

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
#324**

An Ordinance establishing rules, regulations and standards governing the subdivision and development of land within the Township of Conewago, York County, Pennsylvania, pursuant to the authority granted in the Pennsylvania Municipalities Planning Code (Act 247) as enacted and amended, setting forth the procedures to be followed by the Planning Commission and the Board of Supervisors applying and administering these rules, regulations and standards and providing penalties for the violation thereof.

Be it Ordained by the Conewago Township Board of Supervisors, York County, Pennsylvania as follows:

ARTICLE I

SHORT TITLE, PURPOSE, AUTHORITY AND JURISDICTION

s.101 Short Title

This Ordinance shall be known as and may be cited as the “Conewago Township Subdivision and Land Development Ordinance.”

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

- i. Securing adequate sites for recreation, conservation, scenic and other open space purposes.
- j. To regulate the subdivision and/or development of land within any designated flood plain zone in order to promote the general health, safety, and welfare of the community.
- k. To require that each subdivision lot in flood-prone areas to be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood at the time of initial construction.
- l. To protect individuals from buying lands which are unsuitable for use because of flood by prohibiting the improper subdivision and/or development of unprotected lands within the designated flood plain zones.

s.103 Authority and Jurisdiction

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

The authority for the control and regulation of subdivision and land development within the Township shall be as follows:

- a. Approval by the Township Board of Supervisors: The Conewago Township Board of Supervisors, hereinafter referred to as the Board of Supervisors, shall be vested with the authority to approve or disapprove all subdivision and land development plans.
- b. Review by the Township Planning Commission: The Conewago Township Planning Commission, hereinafter referred to as the Planning Commission, shall be vested with the review of subdivision and land development plans.
- c. Review by the County Planning Commission: Plans for subdivision and land development located within Conewago Township shall be forwarded by applicant or their representative to the York County Planning Commission for review and report. Conewago Township shall not approve such plans until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

## ARTICLE II

### DEFINITIONS

#### s.201 Intent

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning given herein:

#### s.202 General Usage

- a. Words used in the present tense imply also the future tense.
- b. Words used in the singular imply also the plural.
- c. The words “person,” “subdivider,” “landowner,” “developer,” and “applicant” includes a partnership or corporation as well as an individual.
- d. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory and directive.

#### s.203 Specific Words and Phrases

Access Drive – A private drive providing vehicular access between a public or private street and a building, parking area or loading area within a land development.

Agent – Any person, other than the owner, subdivider or developer, who acting for the developer, submits subdivision and/or land development plans to the Township Planning Commission, Zoning Hearing Board or Township Board of Supervisors, for the purpose of obtaining approval thereof.

Agricultural Purposes – The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, or animal or poultry husbandry including the necessary accessory uses for packing, treating or storing produce and equipment or housing and feeding the animals and/or the use of dwellings for families headed by a full-time farm worker. Includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government. The use of land for a dwelling site is not an agricultural purpose.

Alley – A right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

Applicant – Any landowner, lessee or his authorized agent who submits plans, data and/or applications to the Zoning Officer or other designated Township Official for the purpose of obtaining approval thereof.

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

Bench Mark – A definite point of known elevation and location used for determining the elevations of other points.

Block – An area bounded by streets.

Board of Supervisors – Conewago Township Board of Supervisors.

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

Building Setback Line – See Setback.

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

Clear Sight Triangle – An area of unobstructed vision at street intersections defined by the centerlines of the streets and by a line of sight between points on their centerlines at a given distance from the intersection of the centerlines.

Commission – The Conewago Township Planning Commission.

Common Open Space – A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the subdivision or area, not including streets, off-street parking areas, wetlands, drainage ways, stormwater facilities and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

Comprehensive Plan – The plan, or parts thereof, if any, which have been adopted by the Conewago Township Board of Supervisors, showing the Township's recommendations for such systems as: land uses, parks and recreational facilities, water supply, sewerage and sewage disposal, garbage disposal, transportation, highways, civic centers, and other such public improvements which affect the development and growth of the Township.

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

Cost of Improvements – The amount which the Township Engineer estimates that the Township would be required to expend in order to complete the improvements proposed by a subdivider or land developer in a subdivision or land development plan, in the event the subdivider or land developer fails to complete such improvements within the time set forth in the subdivision or land development plan or otherwise agreed upon, which estimate shall take into consideration anticipated inflation in construction costs, bid preparation costs, and other costs which the Township will incur in the event it is required to complete the proposed improvements.

Crosswalk – A right-of-way, municipally or privately owned, at least ten (10) feet wide, which cuts across a street to furnish access for pedestrians to adjacent streets or properties.

Crown – The height of the center of a roadway surface above its edges.

Cul-de-sac – A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

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

Designated Flood Plain Districts – Those flood plain districts specifically designated in the Township Zoning Ordinance as being inundated primarily by the one hundred (100) year flood. Included would be areas identified as the Floodway District (FW), the Flood-Fringe District (FF), and the General Flood Plain District (FA).

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

Development – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations and the subdivision of land.

Development Plan – The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, and public facilities.

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

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

Driveway – A private vehicular access between a street and a parking area or garage within a lot or property.

Dwelling Unit – A structure or portion thereof arranged or designed for occupancy by not more than one (1) family and having separate cooking and sanitary facilities.

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

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

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

Finished Grade – The final grade required by the specifications.

Flood Plain or Flood Hazard Area – That area along a natural watercourse which is periodically overflowed by water therefrom. Flood plain areas include, but are not necessarily limited to, those areas identified as being flood-prone on the Flood Insurance Rate Map for Conewago Township as issued by the Federal Emergency Management Agency.

Floodway – The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance the floodway shall be capable of accommodating a flood of a given magnitude.

Frontage – The horizontal or curvilinear distance along the street line upon which a lot abuts, other than a limited access highway.

Frontage Road – A local street or road auxiliary to and located on the side of an arterial highway for service to abutting property and adjacent areas and for control of access.

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

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

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

Half or Partial Street – A street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.

Hardship – A condition not caused by the subdivider for which he may request a modification.

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

Land Development – Any of the following activities: (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purposes, involving: (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure, or (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective streets, common areas, leaseholds, condominiums, building groups or other features; (2) A subdivision of land.

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

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

Lot – A tract, plot or parcel of land established by a subdivision plan or otherwise as permitted by law to be occupied or intended to be occupied by a principal building or use, or a group of buildings conforming with the regulations of this ordinance, and its accessory buildings and uses, including all open spaces required by this ordinance, and having frontage on a public road.

Lot Area – The area contained within the property lines of the individual parcels of land as shown on a land development plan, excluding any area within a street right-of-way, but including the area of easements.

Lot Coverage – A percentage which when multiplied by the lot area will determine the permitted building coverage area.

Lot Width – The distance between the side property lines, measured along the (front) minimum building setback line.

Major Land Subdivision – A land subdivision involving five (5) or more lots or a land subdivision involving four (4) lots or less and requiring new streets or other public improvements.

Minor Land Subdivision – A land subdivision involving four (4) lots or less and involving no new streets or other public improvements.

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

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

Mobile Home Park – A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two (2) or more mobile home lots for nontransient use, whether operated for or without compensation.

Mobile Home Subdivision – An area designed exclusively for mobile homes and mobile dwelling units where lots are not rented, but sold.

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

One Hundred (100) Year Flood – A flood that, on the average, is likely to occur every one hundred (100) years, (i.e., that has a one percent [1%] chance of occurring each year, although the flood may occur in any year).

Owner – The owner of record of a lot or parcel of land.

Performance Bond – Any security in an amount and form satisfactory to the Board of Supervisors which may be accepted in lieu of a requirement that certain improvements be made prior to Final Plan approval.

Plan – The map or plan of a subdivision or land development, whether sketch, preliminary or final.

Plan, Sketch – An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision for discussion purposes only and not to be presented for approval.

Plan, Preliminary – A tentative subdivision plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

Plan, Final – A complete and exact subdivision plan, prepared as for official recording, to define property rights and proposed streets and other improvements.

Plan, Record – An exact copy of the approved final plan prepared for necessary signatures and recording with the York County Recorder of Deeds.

Planned Residential Development – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulation established in any one residential district created, from time to time, under the provisions of a municipal zoning ordinance.

Public Grounds – Includes (1) parks, playgrounds and other public areas; and (2) sites for school, sewage treatment, refuse disposal and other public owned or operated facilities.

Public Sewer – A municipal sanitary sewer system or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection.

Public Water – A municipal water supply system or a comparable public water facility approved and permitted by the Pennsylvania Department of Environmental Protection.

Regulatory Flood Elevation – The one hundred (100) year flood elevation PLUS a freeboard safety factor of one (1) foot.

Resubdivision – Any land development which has been approved by the Township which changes, or proposes to change property lines and/or public rights-of-way not in strict accordance with a previously approved plan.

Reverse Frontage Lot – 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.

Right-of-Way – A corridor of publicly owned or leased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, highways, and sidewalks, or; a strip of land occupied or intended to be occupied by a street, crosswalk, road, electric transmission lines, oil or gas pipelines, water main, sanitary or storm sewer main, or for another special use; which shall not be obstructed by any means. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established. (Also see “Street Line”)

Roadway – The portion of a street or road right-of-way which is paved, improved, designated or intended for vehicular traffic; also referred to as a cartway.

Sanitary Sewer System – A system of piping and appurtenances whether municipally or privately owned, designed for the collection and transmission of liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions to a wastewater treatment plant for treatment and discharge (not including septic tanks).

Screen Planting – A planted vegetative material of sufficient height and density, so as to conceal from the view of adjoining property owners, the structures, uses and activities, on the premises on which the screen planting is located. The vegetative material must be EVERGREEN or similar in that it maintains its leaves, needles or leaflets, all year round (coniferous, remaining verdant, NOT deciduous).

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

1. Setback, Front – The distance between the street right-of-way line and the front setback line projected the full width of the lot. Commonly called the “front yard.”
2. Setback, Side – The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called the “side yard.”
3. Setback, Rear – The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called “rear yard.”

Setback Line – A line within a property and parallel to a property or street right-of-way line which delineates the required minimum distance that must be provided between a structure or building and an adjacent street right-of-way line or property line.

Stabilization – Changing the quality of soil or aggregate by mixing with it material that will increase its load-bearing capacity, firmness, and resistance to weathering or displacement.

Street – Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way used or intended to be used by vehicular traffic and/or pedestrians.

Arterial Street – A street or road which is used primarily for fast or heavy traffic including all roads identified in the Township Comprehensive Plan as arterial street. Average daily traffic volumes normally exceed ten thousand (10,000) vehicles.

Collector Street – A street or road which carries traffic from minor streets to the major system of arterial streets, including but not limited to the principal entrance streets of a residential development and all roadways identified in the Township Comprehensive Plan as collector streets. Average daily traffic volumes normally vary between one thousand (1,000) and ten thousand (10,000) vehicles.

Cul-de-Sac Street – A street with one (1) end open for public vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

Half or Partial Street – A street parallel and adjacent to a property line having a lesser right-of-way width than required for a satisfactory improvement and use of the street.

Minor Street – A street which is used primarily for access to the abutting properties. Average daily traffic volumes normally are less than one thousand (1,000) vehicles.

Service Street or Alley – A minor right-of-way which is used to provide secondary vehicular access to the rear or side of two (2) or more properties.

Street Centerline – The horizontal line paralleling the street that bisects the street right-of-way into two equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of cartway.

Street Frontage – The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

Street Grade – The official established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

Street Line – A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the street “right-of-way line.”

Subdivider – Any person, firm, or corporation who subdivides land deemed as a subdivision as defined by this Ordinance, said person, firm or corporation acting as owner or authorized agent of the land owner.

Subdivision – The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development; provided, however, that the division of land for agricultural purposes of more than ten (10) acres not involving any new street or easement of access or any residential dwelling shall be exempted.

Major Subdivision – A subdivision involving five (5) or more lots or a land subdivision involving four (4) lots or less and requiring new streets or other public improvements.

Minor Subdivision – A subdivision involving four (4) lots or less and involving no new streets or other public improvements, except curbs and street widening required along an existing street.

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

ARTICLE III  
PROCEDURE

s.301 Preapplication Consultation

Copies of this Ordinance shall be available at reasonable charge on request for the use of any person who desires information concerning subdivision and land development standards and procedures in effect within Conewago Township. Any prospective developer may request a consultation with the Planning Commission at its next regularly scheduled meeting to discuss and review tentative plans and discuss the applicability of the provisions of this Ordinance.

s.302 Submission of Sketch Plans

Prospective applicants are urged, but not required, to submit a Sketch Plan for review by the Planning Commission. Sketch Plans, if submitted, shall include at least those items listed in s.401. Such plans shall be submitted to the Secretary of the Planning Commission or his designee at least five (5) days prior to the next regularly scheduled meeting of the Planning Commission.

Sketch Plans will be considered as submitted for informal review and discussion and shall not constitute formal filing of the plan with the Township.

As far as may be practical on the basis of the Sketch Plan review and discussion, the Planning Commission will informally advise the prospective applicant of the extent to which the proposed land development conforms to the applicable provisions of this Ordinance and will discuss possible plan modifications necessary to secure conformance.

s.303 Submission of Preliminary and Final Plans

Applications for approval of Preliminary and Final Plans for all proposed land developments lying within the Township shall be filed with the Secretary of the Township Planning Commission, or designee, and the York County Planning Commission, at least thirty (30) days prior to the next regularly scheduled meeting of the Township Planning Commission. Such submission of plans shall be accompanied by a filing fee as specified in s.805.

The initial subdivision plan filed with the Township for formal review and approval shall be considered as a Preliminary Plan. However, in the event that the initial plan is for a land subdivision involving four (4) lots or less and involving no new streets or other public improvements; and is certified by the developer to constitute the entire extent of his development intentions, the developer may proceed directly to Final Plan preparation in compliance with the requirements of s.406. The processing of a minor land subdivision plan shall be consistent with the procedures for processing a Final Plan as required in this Article.

The developer shall submit the Preliminary and Final Plans drawn on linen or mylar material along with twelve (12) copies blue or black line paper prints, as well as two (2) copies of the required supporting data. Preliminary and Final Plans shall comply with the requirements of Article IV.

An application for Final Approval may be for all land included in the Preliminary Plan Approval or for a section thereof. When Preliminary Plan Approval, either with or without conditions, has

been granted by the Board of Supervisors, the developer shall have a maximum of five (5) years after the Preliminary Plan Approval date to submit an Application for Final Approval. In the event the land development is to be constructed in stages or phases, the Application for Final Approval of the first stage or phase must be submitted within five (5) years from the date of Preliminary Plan Approval and each successive stage or phase must be submitted within five (5) years of the preceding stage or phase. Failure to submit any Application for Final Approval of any stage or phase within the specified time period will void the approval of the Application for Preliminary Approval if a one (1) stage or phase development is being carried out, or will void the approval of the remaining stages or phases of the Application for Preliminary Approval on which applications for Final Approval have not yet been submitted in the case of a multiple stage or phase development. However, if the developer due to extenuating circumstances cannot submit an Application for Final Approval of any stage or phase within the specified time period, he may apply to the Board of Supervisors for a time extension.

s.304 Referral of Plans

All Plans, whether Preliminary or Final, shall be forwarded by the Township Planning Commission to the Township Secretary with any recommendations. If no report is received from the Township Planning Commission within seventy-five (75) days, such Plan shall be considered as receiving favorable review and recommendation from the Planning Commission.

The Township Secretary may also notify the following agencies as necessary for review and recommendations in writing that the Plan whether Preliminary or Final has been received and will be considered at its meeting of specified date:

- One (1) copy of the Plan and one copy of a Feasibility Report on sewer and water facilities transmitted to the local office of the Pennsylvania Department of Environmental Protection for review and recommendations.
- One (1) copy transmitted to the local office of the York County Conservation District for review and recommendations concerning erosion, sediment and drainage control.
- One (1) copy transmitted to the local office of the Pennsylvania Department of Transportation for review and recommendations where the land development will front on an existing or proposed State Highway or has a proposed street entering on such a highway.
- One (1) copy transmitted to all affected public utilities that shall be requested to make recommendations as to the suitability of installing underground telephone and electric lines.
- Two (2) copies transmitted to the Conewago Township Sewer Authority, when applicable, for review and comments.
- One (1) copy transmitted to the Township Engineer or other authorized person for review of engineering requirements.

s.305 Review of Plans

All Plans, whether Preliminary or Final, shall be reviewed by the Township with reference to the following:

- The standards and requirements of this Ordinance.
- Any proposals contained in the Conewago Township Comprehensive Plan.
- Any proposals contained in the Conewago Township Comprehensive Sewage Plan.
- Site suitability for the particular type of development proposed.
- The availability for necessary services and facilities.
- The requirements of any other applicable Township Ordinance.
- The Official Map of the Township.
- The improvements, design and dedications or reservation required by this Ordinance.

In addition, any comments and recommendations from the following persons or agencies shall be given consideration:

- Township Engineer.
- Conewago Township Sewer Authority.
- York County Planning Commission.
- Pennsylvania Department of Environmental Protection.
- York County Conservation District.
- Pennsylvania Department of Transportation.
- Affected Public Utilities.
- Local fire company officials.
- Interested citizens.

s.306 Public Hearings

Before acting on any land development plan, the Board of Supervisors may hold a public hearing thereon pursuant to public notice.

s.307 Approval of Plans

a. Plan Approval

At a scheduled public meeting, the Board of Supervisors shall render its decision on the Plan, whether Preliminary or Final, and communicate its decision to the applicant not later than ninety (90) days following the date of the regular meeting of the Township Planning Commission next following the date the application is filed with the Zoning Officer, provided that should the next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed.

Final Plan approval shall not be granted until such improvements as required by this Ordinance and shown on such Final Plan have been completed or guarantee posted as required in Article VI.

b. Notification

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

When the Plan is not approved in terms as filed, the decision shall specify the defects found in the Plan and describe the requirements which have not been met and cite the provisions of these regulations relied upon.

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

c. Effect of Ordinance Amendment

From the time a Plan, whether Preliminary or Final, is submitted as provided in this Ordinance and while such Plan is pending approval or disapproval, no change or amendment of the Zoning, Subdivision and Land Development or such other Township Ordinance or Plan shall affect the decision on such Plan adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Township Ordinances or Plans as they stood at the time the application was duly submitted. In addition, when a Preliminary Plan has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved Preliminary Plan as hereinafter provided.

However, if a Plan is properly and finally denied, any subsequent Plan shall be subject to any intervening change in Township regulations. When an application for approval of a Plan, whether Preliminary or Final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the Zoning, Subdivision and Land Development or other Township Ordinance or Plan shall be

applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the Township Ordinances or Plans as they stood at the time when the Plan for such approval was duly submitted.

If final plan approval is to be accomplished in sections, a schedule of submission of final plans for the various sections shall be done in accordance with Section 508 (4) of the Pennsylvania Municipalities Planning Code (Act 247), as amended, in order that these sections not be subject to any and all changes in zoning, subdivision and other governing ordinance enacted by Conewago Township subsequent to the date of initial preliminary plan submission.

s.308 Effect of Preliminary Plan Approval

Approval of the Preliminary Plan by the Board of Supervisors constitutes approval of the development as to the character and intensity of development, the general layout, and the approximate dimensions of streets, lots, and other planned features. This approval binds the developer to the general scheme shown on the Preliminary Plan.

Approval of the Preliminary Plan shall not constitute approval of the Final Plan, nor does it authorize recording of the Preliminary Plan or the sale of any lots or the construction of any buildings. However, such approval does authorize the developer to proceed with the preparation of the Final Plan, installation and construction of improvements subject to obtaining work permits from the Township and/or the posting of a bond guarantee as specified in this Ordinance. Before the developer may proceed with any installation of improvements prior to final plan approval, all drawings shall be provided with the engineering detail required for final approval.

s.309 Effect of Final Plan Approval

Approval of the Final Plan by the Board of Supervisors constitutes final approval of the land development as to the character and intensity of development, the layout, and the dimensions of streets, lots and other planned features. This approval binds the developer to the scheme shown on the Final Plan.

Final Plan approval authorizes the Township to proceed with the recording of the Final Plan which must be accomplished before the developer can proceed with the sale of any lots or the construction of buildings or structures.

s.310 Recording of Final Plan

Upon approval of the Final Plan, the Township shall within ninety (90) days of such approval, release the plan to be recorded, by the applicant, in the Office of the Recorder of Deeds of York County.

The recording of the Final Plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject Plan.

s.311 Resubdivision

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for any original subdivision.

s.312 Additions to Existing Lots

For the purposes of straightening lot lines and additions of small, nonbuildable parcels of property to existing recorded lots, said lots shall possess the following characteristics:

- The parcel to be added must be contiguous to the existing lot.
- The plan prepared for the addition of this parcel shall follow the procedures outlined for Minor Subdivisions.

## ARTICLE IV

### PLAN REQUIREMENTS

#### s.401 Sketch Plan Requirements

- a. General Requirements for Sketch Plans – The Sketch Plan may be a free-hand drawing and should be accompanied by an application for Subdivision and Land Development Approval. A Sketch Plan need not be drawn to exact scale nor are precise dimensions required.
- b. Sketch Plan Requirements for a Land Subdivision or a Mobile Home Park – The Sketch Plan for either a Land Subdivision or a Mobile Home Park should show the following:
  - (1) Name and address of developer, name of municipality, title, north arrow, date and approximate scale.
  - (2) Existing tract boundaries.
  - (3) Location map showing relation of the land development to the surrounding area and community.
  - (4) Existing and proposed streets, easements and rights-of-way.
  - (5) Proposed general lot layout.
  - (6) Number of acres in tract, average lot size, approximate number of lots, anticipated type of development.
  - (7) All public reservations such as schools, parks, etc.
  - (8) Topography of tract or sketch showing existing drainage patterns and slope directions.
  - (9) Any flood prone or flood plain areas must be noted.
- c. Sketch Plan Requirements for a Land Development Other Than a Land Subdivision or a Mobile Home Park – The Sketch Plan for a land development involving either multi-family dwellings, or commercial, industrial or other nonresidential uses should show the following:
  - (1) Name and address of developer, name of municipality, title, north arrow and date.
  - (2) Tract boundaries and tract size.
  - (3) Location map showing the relation of the land development to the surrounding area and community.
  - (4) Existing easements and rights-of-way.

- (5) The approximate size, location and configuration of proposed buildings, vehicular entrances and exits, access drives, parking areas, truck loading and unloading areas, unenclosed storage areas, screens and buffers, landscaped areas, and all other significant proposed facilities.
- (6) Topography of tract or sketch showing existing drainage patterns and slope directions.
- (7) Any flood prone or flood plain areas must be noted.

s.402 Preliminary Plan Requirements

- a. General Preliminary Plan Requirements – The Preliminary Plan shall be clearly and legibly drawn on linen, reproducible mylar or another permanent drafting film approved by the Township Engineer. The Plan shall be prepared on one (1) or more sheets uniformly measuring twenty-four inches by thirty-six inches (24” x 36”). Plans for subdivisions with minimum lot sizes of ten (10) acres or less shall be drawn at a scale of either fifty (50) feet to the inch or one hundred (100) feet to the inch. Plans for subdivisions with minimum lot sizes of more than ten (10) acres may be drawn at a scale of not less than four hundred (400) feet to the inch. The Preliminary Plan shall show the following information:
  - (1) Title block containing the name of the land development, name of the municipality, name and address of the record owner of the property and his authorized agent (if any), name and address of the person or firm responsible for preparing the plan, with an engineer’s or surveyor’s seal, graphic scale, written scale, the plan date and the date(s) of all plan revisions.
  - (2) North arrow indicating direction to true north.
  - (3) A location map, at a scale of not less than one thousand (1,000) feet to the inch, showing the proposed development and adjoining areas. Such map shall show sufficient information to enable Township officials to locate the proposed land development such as (but not limited to) the boundaries of the tract, any existing and proposed roads, and any municipal boundaries.
  - (4) The entire existing tract boundaries with bearings and distances and existing and proposed corner and line monuments.
  - (5) The names of owners of immediately adjacent unplatted land and the names of proposed or existing land development immediately adjacent. Reference shall also be made to recorded subdivision plans of adjoining subdivided land by record date, plan book and page number.
  - (6) Existing contours at vertical intervals of two (2) feet or less for land with average natural slope of four (4) percent or less and at vertical intervals of five (5) feet or less for land with average natural slope exceeding four (4) percent. Contours shall be accompanied by a notation indicating the datum to which contour elevations refer. For a tract of four (4) lots or less which has not been previously

subdivided, each larger than two (2) acres, contour intervals of twenty (20) feet is acceptable unless the Board of Supervisors find otherwise.

- (7) Location of all existing watercourses, flood hazard areas, tree masses, rock outcrops and other significant natural features within or adjacent to the tract.
- (8) Location of all existing streets and also those streets that are preliminarily approved or recorded but unimproved within or adjacent to the tract, including names, right-of-way width and cartway width.
- (9) Location of all existing buildings, sewers, water mains, culverts, petroleum lines, gas lines, electric transmission lines, fire hydrants and other significant man-made features within or adjacent to the tract.
- (10) Location and width of all existing easements and rights-of-way within or adjacent to the tract, the grantee and purpose for which the easements or rights-of-way have been established.
- (11) Layout of proposed lots, approximate dimensions of lot lines, approximate size of each lot and proposed building setback lines.
- (12) Lot numbers shall be used to identify each lot. Land which has been previously subdivided shall be numbered consecutively and not contain the same lot numbers used in the prior subdivisions (except for the original tract of land).
- (13) Location, names, roadway width, and right-of-way width of all proposed streets and location and width of the future right-of-way required for the expansion of existing streets.
- (14) Typical cross-sections for proposed streets showing construction materials and specifications.
- (15) The point of access of driveways on all lots.
- (16) Clear sight triangles at each street intersection and each proposed access drive and/or driveway intersection.
- (17) Location, width and purpose of all proposed easements and rights-of-way.
- (18) Location, approximate dimensions, and purpose of areas to be dedicated or reserved for public and semi-public uses or to be reserved for common use of all property owners and/or tenants in the land development.
- (19) For on-lot septic systems, the location of all percolation tests and probes must be shown. Satisfactory tests must be identified and type of existing or proposed system(s) noted on plan. Proposed well locations must also be shown.
- (20) For those areas where public water and public sewer will be utilized, an indication of the size and general location of proposed water mains and sanitary sewers.

- (21) The stages, if any, to be followed in the construction of the land development.
  - (22) Table of site and development data including statements of total acreage of the entire existing tract, proposed use of the property, density, number of proposed lots, proposed minimum lot size, lineal feet of new streets proposed, and proposed type of sewage disposal and water supply, i.e., on-lot or public. If the property is proposed to be used for residential purposes, the number of proposed dwelling units shall also be listed.
  - (23) Certification, with seal, to the effect that the survey and plan are correct by the registered professional engineer or surveyor responsible for preparing the plan as related to the allowable services of an engineer and a land surveyor as described in Section 2 of the Professional Engineer's Registration Law (As Amended) Act No. 367.
  - (24) A notarized statement to the effect that the applicant is or represents the owner of the land proposed to be developed and that the land development shown on the Preliminary Plan is made with his or their free consent.
  - (25) If the developer proposes to impose restrictions on future lot owners by deed restrictions, or covenants, the text of such provisions shall be shown on the plan.
  - (26) Provision for signatures by the Township Planning Commission indicating their review of the plan (five [5] spaces for signatures and one [1] space for review date).
  - (27) Provision for signatures by the Township Engineer and Township Sewage Enforcement Officer indicating their review of the plan (one [1] space for Engineer's signature, one [1] space for review date and one [1] space for Sewage Enforcement Officer's signature, one [1] space for review date).
  - (28) Provision for signatures by the Board of Supervisors indicating their approval of the plan (three [3] spaces for signatures and one [1] space for review date).
- b. Preliminary Plan Accompanying Certificates and Data – Preliminary Plans shall be accompanied by the following:
- (1) Application for Subdivision and Land Development approval.
  - (2) Filing fee (s. 305).
  - (3) A D.E.P. Planning Module for Land Development as required by the Pennsylvania Department of Environmental Protection (s. 403).
  - (4) A Water Facilities Feasibility Report in accordance with the requirements stated in Section 404.
  - (5) Proof of any variances or special exceptions which may have been granted.
  - (6) Where proposed development covers only a part of the developer's entire tract, a Sketch Plan shall be submitted of the prospective development for the remainder

of the tract. Such Sketch Plan shall be prepared in accordance with s.401 of this Ordinance.

- (7) Centerline profiles for each proposed street showing complete vertical geometry including lengths of vertical curves, grades and centerlines of intersecting streets and existing centerline grades and grading cross sections.
- (8) Preliminary engineering designs of any proposed bridges or culverts. These designs shall be in sufficient detail for public bid contract construction.
- (9) A plan for the surface drainage of the land development. Such plan shall include storm water runoff calculations and a drawing of present and proposed grades and facilities for accommodating the anticipated runoff in accordance with the requirements stated in s.515.
- (10) Where the land included in the proposed development plan has an electric transmission line, a gas pipeline, or a petroleum or petroleum product transmission line located within the tract, the plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land 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 which shall contain the above data.
- (11) Whenever a land development plan proposes to dispose storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural watercourse, approval of the affected owners shall be obtained and submitted with the land development plan after they have reviewed the required surface drainage plan. Signature and notary blocks shall be provided for adjoining owners on the Storm Water Management Plan.
- (12) In the event that the plans propose the enlargement of utility or other services extending from another municipality, a statement or certificate indicating that the proposal has been reviewed by the municipality or municipal authority concerned and is considered to be reasonable.
- (13) Notation as to the development for areas within flood prone or flood plain areas in compliance with the provisions of this Ordinance and the flood-proofing specifications as outlined in the Township Building Permit Ordinance.
- (14) A plan for the control of erosion and sedimentation as described in s.405 along with recommendations of the York County Conservation District. For all projects where earthmoving activities of twenty-five (25) acres or more is anticipated, recommendations or a permit, if required, from the Pennsylvania Department of Environmental Protection is also required.
- (15) Copies of all required permits and related documentation from the Department of Environmental Protection, and any other Commonwealth agency, where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. Proper

planning, design, construction and maintenance of any proposed water obstructions and encroachments shall also be monitored.

- (16) A land grading plan in accordance with the requirements stated in s.516.
- (17) An agreement that the applicant will install all underground utilities (if required) before paving streets and/or constructing sidewalks.
- (18) A letter from the local Postmaster stating that the proposed street names do not duplicate names already in existence.
- (19) Other certificates or data as may be required by this Ordinance or any other Township ordinance or regulations must be submitted prior to Preliminary Plan approval if requested by the Board of Supervisors.

s.403 A D.E.P. Planning Module for Land Development

The applicant shall submit five (5) sets of a D.E.P. planning module in conjunction with the Preliminary Plan. Information concerning data necessary to complete the module can be obtained from D.E.P. only by sending an official application to the York County office of D.E.P. The Preliminary plans will not be approved by the Planning Commission or the Board until written approval from D.E.P. is received by the Township.

A planning module must be completed for all subdivisions or developments regardless of the method of sewage disposal proposed.

The Board of Supervisors will consider approval of use of on-site sewage disposal systems only after D.E.P. recommends that the soils within the proposed development are “generally suitable” for on-site sewage disposal. The applicant must also provide the Board with sufficient justification for utilizing this method of disposal.

The soils tests required for completion of the D.E.P. Planning Module shall be performed in accordance with D.E.P. regulation in effect at the time. Said tests shall be performed by the Township Sewage Enforcement Officer.

s.404 Water Facilities Feasibility Report

The Board of Supervisors will approve the use of individual on-lot water supply systems (wells) when:

- a. This report indicates that justification of the project necessitates consideration of this type of water supply.
- b. The anticipated water supply yield is adequate for the type of development proposed.
- c. The installation of such systems will not endanger or decrease the groundwater supplies to adjacent properties.

The report shall contain information relative to the above items and shall be submitted for all developments regardless of size. The information contained in the report shall be prepared by a registered professional engineer in the state of Pennsylvania.

The Board of Supervisors may require certification of yield projections and groundwater supplies by the engineer retained by the developer.

This report shall be submitted in duplicate to the Secretary for distribution to the Engineer for his review and approval.

s.405 Erosion and Sedimentation Control Plan

Upon tracts of twenty-five (25) acres or more the developer shall submit a detailed plan in duplicate indicating the proposed method of controlling erosion and sedimentation. Upon tracts less than twenty-five (25) acres the plan shall be prepared and submitted upon request of the Township. Said plan to be prepared by an engineer licensed in the state of Pennsylvania. This plan shall be submitted in conjunction with the Preliminary Plan at a regularly scheduled meeting of the Planning Commission.

For those developments where an anticipated disturbance of earth of twenty-five (25) acres or more is proposed a permit from D.E.P. is required prior to approval of the preliminary plan by the Planning Commission or the Board of Supervisors.

The plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which may contribute to erosion and sedimentation in connection with the land development. The plan shall also contain any additional information as required by Chapter 102 of Title 25 of the Pennsylvania Code. All plans regardless of size shall address erosion and sedimentation control with respect to normal lot grading and building construction.

s.406 Final Plan Requirements

- a. General Final Plan Requirements – The Final Plan shall be clearly and legibly drawn on linen, reproducible mylar or another permanent drafting film approved by the Township Engineer. The Plan shall be prepared on one or more sheets uniformly measuring twenty-four inches by thirty-six inches (24” x 36”). Plans for subdivisions with minimum lot sizes of ten (10) acres or less shall be drawn at a scale of either fifty (50) feet to the inch or one hundred (100) feet to the inch. Plans for subdivisions with minimum lot sizes of more than ten (10) acres may be drawn at a scale of not less than four hundred (400) feet to the inch. The Final Plan shall show the following information:
- (1) Title block containing the name of the land development, name of the municipality, name and address of the record owner of the property and his authorized agent (if any), name and address of the person or firm responsible for preparing the plan, written scale, graphic scale, the plan date and the date(s) of all plan revisions.
  - (2) North arrow indicating direction to true north.
  - (3) A location map, at a scale of one thousand (1,000) feet to the inch, showing the proposed development and adjoining areas. Such map shall show sufficient information to enable Township officials to locate the proposed land development such as (but not limited to) the boundaries of the tract, any existing and proposed roads, and any municipal boundaries.

- (4) The entire existing tract boundaries with bearings to the nearest minute and distances to the nearest one hundredth (.01) of a foot. A statement on the surveyor's certification shall indicate the error of closure of the survey from which the boundaries are established or the positional precision of the points.
- (5) The names and owners of immediately adjacent unplatted land and the names of proposed or existing land developments immediately adjacent. Reference shall also be made to recorded subdivision plans of adjoining subdivided land by record name, date and number.
- (6) Existing significant natural or man-made features within or adjacent to the tract. Significant natural or manmade features includes watercourses, flood hazard areas, tree masses, buildings, sewer mains, water mains, culverts, gas lines, petroleum lines, electric transmission lines, etc.
- (7) Location, width and purpose of all existing and proposed rights-of-way and easements.
- (8) For all street rights-of-way and property lines, dimensions, bearings or deflection angles of all straight lines. Dimensions shall be in feet and hundredths of a foot. Bearings shall be in degrees, minutes and seconds for all street rights-of-way, access drives and property lines, radii, arcs and central angles of all curves. The location, bearing and length of every proposed property line shall be based upon survey data and shall be certified to the same by the Surveyor responsible for the plan in accordance with Form 7 in the Appendix.
- (9) Lot numbers shall be used to identify each lot. Land which has been previously subdivided shall be numbered consecutively and not contain the same lot numbers used in the prior subdivisions (except for the original tract of land). Lot numbers shall be in conformity with the approved Preliminary Plan.
- (10) Status of plans which involve previously subdivided land shall be titled as "Revised Final Subdivision of. . ."
- (11) All existing streets on, adjacent to or within four hundred (400) feet of any part of the tract, including name, right-of-way width and roadway width.
- (12) The point of access of driveways on all lots.
- (13) Clear sight triangles at each street intersection and each proposed access drive and/or driveway intersection.
- (14) Offer of dedication of land for the widening of existing streets and the location of the future right-of-way line for existing streets.
- (15) Primary control points, or descriptions and ties to such control points to which all dimensions, angles, bearings, and similar data on the plan are referred.
- (16) Location of permanent reference monuments and markers.

- (17) Certification, to the effect that the survey and plan are correct with seal, by the registered professional engineer or surveyor responsible for preparing the plan as related to the allowable services of an engineer and a land surveyor as described in Section 2 of the Professional Engineer's Registration Law (As Amended) Act No. 367.
- (18) Existing contours at vertical intervals of at least two (2) feet for land with average natural slope of four (4) percent or less and at vertical intervals of at least five (5) feet for land with average natural slope exceeding four (4) percent. Contours shall be accompanied by a notation indicating the datum to which contour elevations refer. Subdivision and land development plans involving (but not limited to) engineering designs such as streets, storm sewers and sanitary sewers, interpolation of contours from U.S.G.S. mapping are not acceptable. In such cases contours will be determined as a result of field topographical survey. Certification as to the method, accuracy and performance of said survey shall be made on the plan by the engineer or surveyor responsible for preparing the plan. The engineer or surveyor preparing the plan shall consult with the Township Engineer to determine availability of Township datum in the project area. Where the Final Plan is preceded by an approved Preliminary Plan, contours will not be required.
- (19) Layout of proposed lots, size of each lot and building setback lines on all lots.
- (20) Location and width of all proposed street right-of-way and roadways and names of all proposed streets.
- (21) Typical cross-sections for proposed streets.
- (22) Location, dimensions, and purpose of areas to be dedicated or reserved for public and semi-public uses to be reserved for common use of all property owners and/or tenants in the land development.
- (23) If streets, parks or other areas or portions of them are to be dedicated to the Township, a note stipulating that the legal means of conveyance shall be by dedication.
- (24) Table of site and development data including statements of total acreage of the entire existing tract, proposed use of the property, density, number of proposed lots, proposed minimum lot size, lineal feet of new streets proposed, and proposed type of sewage disposal and water supply, i.e., on-lot or public.  
  
If the property is proposed to be used for residential purposes, the number of proposed dwelling units shall also be listed.
- (25) For on-lot septic systems, the location of all perc tests and probes must be shown. Satisfactory tests must be identified. Proposed well location must also be shown.
- (26) Location, size and invert elevation of all proposed water mains, sanitary sewers, and storm sewers, and the location of all manholes, inlets and culverts.

- (27) A notarized statement to the effect that the applicant is or represents the owner of the land proposed to be developed and that the Land Development shown on the Final Plan is made with his or their free consent and that it is desired to record the same.
  - (28) If the developer proposes to impose restrictions on future lot owners by deed restrictions, or covenants, the text of such provisions shall be shown on the plan.
  - (29) Provision for signatures by the Township Engineer and Township Sewage Enforcement Officer indicating their review of the plan (one [1] space for Engineer's signature, one [1] space for review date and one [1] space for Sewage Enforcement Officer's signature, one [1] space for review date).
  - (30) Provision for signatures by the Township Planning Commission indicating their review of the plan (five [5] spaces for signatures and one [1] space for review date).
  - (31) Provision for signatures by the Board of Supervisors indicating their approval of the plan (three [3] spaces for signatures and one [1] space for review date).
- b. Final Plan Requirements for a Mobile Home Park – In addition to the requirements of s.406.a., the Final Plan for a Mobile Home Park shall show the following:
- (1) Location and dimensions and purpose of areas to be reserved for the common use of the residents of the mobile home park. If a common parking compound is proposed, the location, arrangement and dimensions of parking spaces, width of aisles, width of bays, and angle of parking shall be shown.
  - (2) Location and dimensions of pedestrian walks.
  - (3) Location and general exterior dimensions of all proposed service, accessory and office buildings.
  - (4) Location and dimensions of screens and buffers, landscaped areas and all other significant proposed facilities.
  - (5) Table of site and development data including statements of total acreage of the entire existing tract, density, number of proposed lots, number of proposed mobile homes, minimum lot size, lineal feet of proposed streets, number of proposed off-street parking spaces, and proposed type of sewage disposal and water supply.
- c. Final Plan Requirements for a Land Development Other Than a Land Subdivision or a Mobile Home Park – In addition to the requirements of s.406.a., the Final Plan for a land development involving either multi-family dwellings, or commercial, industrial or other nonresidential uses shall show the following:
- (1) Location and general exterior dimensions of principal and accessory buildings.
  - (2) Location and dimensions of vehicular entrances, exits, access drives, access barriers, acceleration and deceleration lanes.

- (3) Location, arrangement and dimensions of automobile parking space, width of aisles, width of bays, angle of parking.
  - (4) Location and dimensions of pedestrian entrances, exits, and walks.
  - (5) Location, arrangement and dimensions of truck loading and unloading spaces and docks.
  - (6) Location, dimensions and materials of walls, fences, buffers, screen plantings and landscaped areas.
  - (7) Location and dimensions of unenclosed storage areas and screening (if applicable).
  - (8) Location, size, height and orientation of all signs other than signs flat on building facades.
  - (9) Location and appropriate dimensions of all other significant proposed facilities and structures.
  - (10) Finished grades, slopes and banks.
  - (11) The stages, if any, to be followed in the construction of the land development.
  - (12) Table of site and development data including statements of total acreage of the property, proposed use of the property, density, proposed building coverage, proposed lot coverage, proposed landscaped area, proposed type of sewage disposal and water supply, number of off-street parking spaces required, and number of off-street parking spaces proposed.
- d. Final Plans Accompanying Certificates and Data – The Final Plan shall be accompanied by the following:
- (1) Application for Land Development Approval.
  - (2) Filing fee and recording fee (s. 805).
  - (3) Proof of any variances or special exceptions which may have been granted.
  - (4) Profiles of all proposed streets. Such profiles shall show the existing (natural) and proposed grades along the centerline of the proposed street and the length of all proposed vertical curves.
  - (5) Horizontal and vertical alignment for each proposed sanitary sewer, storm sewer and water distribution system. Information on manhole locations and size and type of material shall be provided, and drainage calculations shall be submitted. Storm sewer plan and profile (if proposed) and sanitary sewer plan and profile (if proposed) shall also be submitted.

- (6) Where the land included in the proposed development plan has an electric transmission line, a gas pipeline, a water transmission line, or a petroleum or petroleum product transmission line located within the tract, the plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land 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 which shall contain the above data.
- (7) Whenever a land development plan proposes to dispose storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural watercourse, a letter from the affected property owners stating their approval of the proposal after they have reviewed the required surface drainage plan. Signature and notary blocks shall be provided for adjoining owners on the Storm Water Management Plan.
- (8) Certification from the Township Engineer that the developer has installed all improvements to the specifications of this Ordinance and any conditions attached by the Board of Supervisors or certification from the Township Solicitor that the developer has posted an improvement bond or other accepted security in amount sufficient to assure completion of all improvements.
- (9) A D.E.P. Planning Module for Land Development as required by the Pennsylvania Department of Environmental Protection (s. 403). Certification that the proposed method of sewage disposal for each lot has been approved by the Township Sewage Enforcement Officer and/or the local office of the Pennsylvania Department of Environmental Protection. For those subdivisions proposing the use of on-site sewage disposal systems, soils tests shall be conducted on all lots shown on the plan. The plan will not be approved unless all lots shown thereon have been tested successfully and certified to the same by the Township Sewage Enforcement Officer. Said certification shall apply only to those locations on the lot where the soils tests were conducted and in no way mean that all areas within the lot are suitable for on-site sewage disposal. If a lot cannot be successfully tested, it shall be removed from the plan or become a contiguous part of another lot.
- (10) A Water Facilities Feasibility Report in accordance with the requirements stated in s.404.
- (11) Certification that the Water Facilities Report has been reviewed and approved by the Township Engineer.
- (12) In the event that the Plans proposed the enlargement of utility or other services extending from another municipality, a statement or certificate indicating that the proposal has been reviewed by the municipality or municipal authority concerned and is considered to be reasonable.
- (13) Notation as to the development for areas within flood prone or flood plain areas in compliance with the provisions of this Ordinance and the flood-proofing specifications as outlined in the Township Building Permit Ordinance.

- (14) A plan for the control of erosion and sedimentation as described in s.405 along with a letter of approval from the York County Conservation District indicating concurrence with the proposed method of controlling sedimentation and erosion. For all projects where earthmoving activities of twenty-five (25) acres or more is anticipated, a letter of approval is required from the Pennsylvania Department of Environmental Protection.
- (15) Final engineering designs of any proposed bridges or culverts.
- (16) A plan for the surface drainage of the land development. Such plan shall include storm water runoff calculations and a drawing of present and proposed grades and facilities for accommodating the anticipated runoff in accordance with the requirements stated in s.515.
- (17) Copies of all required permits and related documentation from the Department of Environmental Resources, and any other Commonwealth agency, where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. Proper planning, design, construction and maintenance of any proposed water obstructions and encroachments shall also be monitored.
- (18) A letter from the local Postmaster stating that the proposed street names do not duplicate names already in existence.
- (19) Offers of dedication and/or reservation of land for public purposes or an offer of payment in lieu of such offer.
- (20) An agreement that the applicant will install all underground utilities (if required) before paving streets and/or constructing sidewalks.
- (21) A maintenance guarantee of all improvements in a form acceptable to the Township.
- (22) If a Final Plan for a land development other than a major land subdivision covers only a part of the developer's entire tract, a Sketch Plan shall be submitted of the prospective development for the remainder of the tract. Such Sketch Plan shall be prepared in accordance with s.401 of this Ordinance. However, if the Final Plan is for a minor land subdivision, this requirement shall be waived if the developer certifies that the Final Plan constitutes the entire extent of his development intentions.
- (23) A land grading plan in accordance with the requirements stated in s.516.
- (24) Other certificates or data as may be required by this Ordinance, any other Township ordinance or regulations, or such certificate or data as may be required by the Board of Supervisors upon the recommendations of review agencies must be submitted prior to final plan approval if requested by the Board of Supervisors.

- (25) As constructed drawings for all improvements shall be required before final plan approval or before release from the improvement bond.

**APPLICATION FOR LAND SUBDIVISION  
Or Mobile Home Park**

Name of Development \_\_\_\_\_

Sketch Plan \_\_\_\_\_ Preliminary Plan \_\_\_\_\_ Final Plan \_\_\_\_\_

GENERAL INFORMATION

Owner \_\_\_\_\_

Address \_\_\_\_\_ Phone No. \_\_\_\_\_

Applicant \_\_\_\_\_

Address \_\_\_\_\_ Phone No. \_\_\_\_\_

Engineer/Surveyor \_\_\_\_\_

Address \_\_\_\_\_ Phone No. \_\_\_\_\_

DEVELOPMENT DATA

Location \_\_\_\_\_

Tax Map \_\_\_\_\_ Parcel \_\_\_\_\_

Total Acreage of Tract \_\_\_\_\_ Acres, or \_\_\_\_\_ Sq. Ft.

Proposed Use \_\_\_\_\_

Number of Lots Proposed \_\_\_\_\_

Number of Dwelling Units Proposed \_\_\_\_\_

Minimum Lot Size Proposed \_\_\_\_\_ Acres, or \_\_\_\_\_ Sq. Ft.

Lineal Feet of New Streets Proposed \_\_\_\_\_

Proposed Water Supply:      Public System \_\_\_\_\_ On Lot System \_\_\_\_\_

Proposed Sewage System:      Public System \_\_\_\_\_ On Lot System \_\_\_\_\_

**Do Not Write On This Side – For Township Use Only**

**Exhibits Submitted**

	<u>Date</u>	<u>No. Copies</u>
_____ Filing Fee \$ _____	_____	_____
_____ Sketch Plan	_____	_____
_____ Final/Preliminary Plan	_____	_____
_____ Street Profiles (Storm, Sanitary Sewer)	_____	_____
_____ Drainage Plan	_____	_____
_____ Performance Bond	_____	_____
_____ Deed Restrictions	_____	_____
_____ Sewer Feasibility Study	_____	_____
_____ Water Feasibility Study	_____	_____
_____ Planning Module for D.E.P.	_____	_____
_____ Other _____	_____	_____

**Distribution of Plan**

	<u>Copies</u>	<u>Date Sent</u>	<u>Reply Rec'd</u>
Township Planning Commission	5	_____	_____
Township Engineer	1	_____	_____
Township Sewer Authority	1	_____	_____
Township Access Drives Review	1	_____	_____
Township Local Fire Company	1	_____	_____
Township Supervisors	3	_____	_____
York County Planning Commission	_____	_____	_____
York County Conservation District	_____	_____	_____
Public Utility Co. _____	_____	_____	_____
Other _____	_____	_____	_____

Notification Letter sent: Date \_\_\_\_\_

Planning Commission Meeting: Date \_\_\_\_\_  
\_\_\_\_\_  
Plus 90 days

Board of Supervisors Meeting: Date \_\_\_\_\_

**Action Taken**

\_\_\_\_\_ Approved      \_\_\_\_\_ Conditional Approved      \_\_\_\_\_ Disapproved  
 \_\_\_\_\_ Date of Action

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Plans Recorded with County      \_\_\_\_\_  
Date      Plan Book      Page

**APPLICATION FOR APPROVAL OF LAND DEVELOPMENT**

Name of Development \_\_\_\_\_

Sketch Plan \_\_\_\_\_ Final Plan \_\_\_\_\_

GENERAL INFORMATION

Owner \_\_\_\_\_

Address \_\_\_\_\_ Phone No. \_\_\_\_\_

Applicant \_\_\_\_\_

Address \_\_\_\_\_ Phone No. \_\_\_\_\_

Engineer/Surveyor \_\_\_\_\_ Phone No. \_\_\_\_\_

DEVELOPMENT DATA

Location \_\_\_\_\_

Tax Map: \_\_\_\_\_ Parcel: \_\_\_\_\_

Total Acreage of Tract \_\_\_\_\_ Acres, or \_\_\_\_\_ Sq. Ft.

Proposed Use \_\_\_\_\_

Number of Dwelling Units/Business Units Proposed \_\_\_\_\_

Lineal Feet of Existing Street Frontage \_\_\_\_\_

Proposed Water Supply: Public System \_\_\_\_\_ On Lot System \_\_\_\_\_

Proposed Sewage System: Public System \_\_\_\_\_ On Lot System \_\_\_\_\_

Number of Off-Street Parking Spaces Required by Zoning Ordinance \_\_\_\_\_

Number of Off-Street Parking Spaces Proposed \_\_\_\_\_

Maximum Building Height Proposed \_\_\_\_\_

Proposed Percentage of Lot Coverage by Building(s) \_\_\_\_\_

Proposed Percentage of Lot Coverage by Impervious Surface \_\_\_\_\_

Proposed Percentage of Lot to be Naturally Landscaped \_\_\_\_\_

**Do Not Write On This Side – For Township Use Only**

**Exhibits Submitted**

	<u>Date</u>	<u>No. Copies</u>
_____ Filing Fee \$ _____	_____	_____
_____ Sketch Plan	_____	_____
_____ Final/Preliminary Plan	_____	_____
_____ Street Profiles (Storm, Sanitary Sewer)	_____	_____
_____ Drainage Plan	_____	_____
_____ Performance Bond	_____	_____
_____ Deed Restrictions	_____	_____
_____ Sewer Feasibility Study	_____	_____
_____ Water Feasibility Study	_____	_____
_____ Planning Module for D.E.P.	_____	_____
_____ Other _____	_____	_____

**Distribution of Plan**

	<u>Copies</u>	<u>Date Sent</u>	<u>Reply Rec'd</u>
Township Planning Commission	5	_____	_____
Township Engineer	1	_____	_____
Township Sewer Authority	1	_____	_____
Township Access Drives Review	1	_____	_____
Township Local Fire Company	1	_____	_____
Township Supervisors	3	_____	_____
York County Planning Commission	_____	_____	_____
York County Conservation District	_____	_____	_____
Public Utility Co. _____	_____	_____	_____
Other _____	_____	_____	_____

Notification Letter sent: Date \_\_\_\_\_

Planning Commission Meeting: Date \_\_\_\_\_  
Plus 90 days

Board of Supervisors Meeting: Date \_\_\_\_\_

**Action Taken**

\_\_\_\_\_ Approved      \_\_\_\_\_ Conditional Approved      \_\_\_\_\_ Disapproved

\_\_\_\_\_ Date of Action

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Plan Recorded with County      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_  
Date      Plan Book      Page

ARTICLE V  
DESIGN STANDARDS

s.501 Application of Standards

The following subdivision and land development principles, standards and requirements will be applied by the Township in evaluating plans for proposed land developments.

The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, and general welfare.

s.502 Location of Site

All land development plans must reflect a location which has given consideration to the following factors:

- a. The location of the land development must conform to the Township Comprehensive Plan with respect to streets, public sites and proposed utilities.
- b. Land shall be subdivided or developed only in conformance with all other ordinances and regulations in effect in the Township.
- c. Land subject to hazards of life, health, or property as may arise from fire, floods, disease, excessive noise, falling aircraft, or considered uninhabitable for other reasons may not be developed unless the hazards have been removed or the plans show adequate safeguards against them.
- d. A land development must be coordinated with existing land development in the neighborhood so that the entire area may be developed harmoniously.
- e. Subdivisions or land developments shall be designed to avoid the necessity for excessive cut or fill.
- f. All portions of a tract being subdivided or developed shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas are not created.

s.503 General Design Standards for Improvement in Designated Floodplain Areas

- a. Land subject to flooding or other hazards to life, health, or property and land deemed to be topographically unsuitable shall not be platted for residential occupancy or for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the land development plans. Such land within the development shall be set aside on the plan for uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

Where flooding is known to have occurred within the area shown on the plan, such area shall be clearly marked "subject to periodic flooding."

Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any identified floodway area or district. Sites for these uses may be permitted outside the floodway if the sites or dwelling units are elevated up to the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structures.

Building sites for structures or buildings other than for residential uses shall also not be permitted in any identified floodway area or district. Also, such sites for structures or buildings outside the floodway shall be protected as provided for in the preceding paragraph. However, the Board of Supervisors may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation below the Regulatory Flood Elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed at least up to that height.

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

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

Any building permitted to be erected in any area of the Township which is identified as being flood-prone on the Flood Insurance Rate Map as issued by the Federal Emergency Management Agency shall meet the flood-proofing specifications as outlined in the Township Building Permit Ordinance.

s.504 Street Systems – General

No subdivision plan shall be approved showing private streets or rights-of-way as the sole means of ingress or egress to lots, tracts, or parcels of land, unless the Board of Supervisors shall determine that the use of such private streets or rights-of-way shall be consistent with the purposes and intent of this Ordinance. When the use of private streets or rights-of-way serves mainly to circumvent the specification of improvements as set forth in this Article and Article VI, the Board of Supervisors will not approve the plan.

All streets proposed to be constructed within the Township shall conform to the following general design requirements:

- a. Proposed streets shall be planned with regard to the existing street system, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future development extensions of the street system.
- b. Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets shall provide for continuation of existing or platted streets and for proper access to adjoining undeveloped tracts suitable for future development.

- c. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- d. The finished elevation of proposed streets shall not be below the Regulatory Flood Elevation. The Township may require profiles and elevations of streets to determine compliance with the requirements. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- e. The streets must be properly located and built with regard to the proposed traffic functions, including the minimizing of through-traffic on minor streets and the protection of major street capacities from excessive marginal access.
- f. The arrangement, character, extent, width, grade, and location of all streets and highways must conform to any applicable Township or County Comprehensive Plan or Official Map.

s.505 Street Design

- a. Width – Minimum street widths shall be as follows:

<u>Classification</u>	<u>Minimum Right-of-Way Width</u>	<u>Minimum Travelway Width</u>
Arterial or Limited Access Street	80-120 feet	As determined after consultation with the York County Planning Commission and the Pennsylvania Department of Transportation
Collector Street	60 feet	36 feet
Minor Street	50 feet	32 feet
Half or Partial Street	50 feet	32 feet
Permanent Cul-de-sac Street	50 feet	32 feet
Frontage Road	50 feet	32 feet
Service Drive or Alley	33 feet	22 feet

- b. Exceptions to Width Requirements – Provisions for additional right-of-way and travelway width must be required when determined to be necessary as a part of the Comprehensive Plan.
- c. Existing Frontage Along a Street of Improper Right-of-Way Width – In the case of a plan for a land development fronting on an existing public road of improper right-of-way width, the developer shall provide any required dedication of land for widening the existing right-of-way to meet the minimum right-of-way standard as specified in s.505(a). The right-of-way to be dedicated must be measured from the centerline of the existing

roadway. Where uncertainty exists as to the road classification, it shall be as specified in the Township Comprehensive Plan.

- d. Existing Frontage Along a Street of Improper Travelway Width – In the case of a plan for a major subdivision or land development containing five (5) or more lots or a minor land development involving four (4) lots or less and requiring new streets or other public improvements fronting on an existing public road of improper travelway width, the Township shall require the developer to improve the roadway to meet the minimum travelway standard as specified in s.505(a). This shall include shoulders, gutters, berms and/or curbing. The Board of Supervisors in lieu of requiring such improvements at the time of subdivision shall require the payment of a fee to be placed in an escrow fund to finance their construction at a future date. Where uncertainty exists as to the road classification, it shall be as specified in the Township Comprehensive Street Plan.
- e. Dead-End Streets – Shall be prohibited, except when designed as temporary cul-de-sac streets by the developer on his own land in order to permit future street extensions into adjoining tracts. These temporary dead end streets must be approved by the Township and indicated on the plans. Also, they must be constructed with a stabilized all weather turnaround of the same radius as that which would be required for a permanent street; the turnaround to be removed when the street is continued.
- f. Cul-de-sac Streets – Should be a minimum of two hundred fifty (250) feet in length and a maximum of five hundred (500) feet in length unless topographic conditions and/or tract shape warrant an increase that is approved by the Township. They must be provided with a paved turnaround with a minimum diameter of one hundred (100) feet to the outside curb and one hundred twenty (120) feet to the legal right-of-way.

The length of a cul-de-sac street shall be measured from the center of the turnaround to the point of intersection of the centerline of the cul-de-sac street and the right-of-way line of the intersecting street. Entrance and exit curb radii of curb or edge of pavement of the cul-de-sac turnaround shall be a minimum of thirty (30) feet.
- g. Half or Partial Streets – Will not be permitted except where dedication is for widening of an existing publicly maintained road and the remaining half of such road to the full width of right-of-way required is free and clear of existing buildings or other structures to the required setback line and the dedication or acquisition of the remaining half-street is otherwise possible. Whenever there is an existing half-street adjacent to a tract to be developed, then the other half of the street shall be platted and dedicated with such tract unless otherwise determined by the Board of Supervisors. New half or partial streets shall also be permitted only where the developer obtains an agreement in writing from the adjoining property owner to dedicate and improve as required the other half of the street at such time as the adjoining property is developed and where essential to reasonable development of a tract in conformance with the other requirements and standards of these regulations. Half streets will also be permitted where needed to complete existing half streets.
- h. Private Streets – Shall be permitted only when such private streets conform to the specifications and requirements of minor streets as specified in this Ordinance.
- i. Frontage Roads – Shall conform to the specifications and requirements of minor streets as specified in this Ordinance.

- j. Horizontal Curves – Where connecting street lines deflect from each other at any one point, the lines must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be as follows:

<u>Type of Street</u>	<u>Minimum Radius</u>
Arterial	500 feet
Collector	300 feet
Minor	200 feet

Straight portions of the street must be tangent to the beginning or end of curves. Except for minor streets, there must be a tangent of at least one hundred (100) feet between reverse curves. For curves on arterial streets, proper super elevation must be provided as required by the Township and the Pennsylvania Department of Transportation. Broken-back curves should be avoided.

- k. Vertical Curves – Changes in grade shall be joined by vertical curves. Vertical curves shall be provided to permit the following minimum sight distances:

<u>Type of Street</u>	<u>Sight Distance</u>
Arterial	400 feet
Collector	300 feet
Minor	200 feet
Cul-de-sac	200 feet

Sight distance shall be measured along the centerline, from height of eye (3.75 feet) to height of object on roadway (0.5 feet).

- l. Grades – The centerline grades of streets must meet the following requirements:

	<u>Minimum Grade</u>	<u>Maximum Grade</u>
Arterial Streets	1.0%	6%
Collector Streets	1.0%	7%
Minor Streets	1.0%	12%
Cul-de-sac Streets	1.0%	12%
Service Street or Alley	1.0%	14%

In all grade changes exceeding one percent (1%), vertical curves must be used and must be designed for proper sight distance.

The grade within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall not exceed five percent (5%).

- m. Crown – The slopes of the crown on residential service and neighborhood collector streets shall be at least one-quarter (1/4) inch per foot but not more than three-eighths (3/8) inch per foot as directed by the Township Engineer. This applies only to straight sections of road. Where a curve is banked to reduce lateral vehicular acceleration as required by the design speed of the road, the crown required is eliminated.

- n. Slope of Banks – Measured perpendicular to the street centerline may not exceed:
- three (3) horizontal to one (1) vertical for fills.
  - two (2) horizontal to one (1) vertical for cuts.

Such slopes shall be suitably planted with perennial grasses or other vegetation to prevent erosion.

s.506 Intersection Design

- a. Angle of Intersections – Intersections must be as nearly at right angles as possible. However, in no case should they deviate from the standards below:

	Type of Intersection				
	Arterial With <u>Arterial</u>	Arterial With <u>Collector</u>	Collector With <u>Collector</u>	Collector With <u>Minor</u>	Minor With <u>Minor</u>
Angle of Inter- section of Street Centerlines	90°	75°-105°	75°-105°	75°-105°	75°-105°

- b. Intersection Grades – Intersections must be approached on all sides by level areas. These level areas must have a minimum length of fifty (50) feet (measured from the intersection of the centerlines) within which no grade may exceed a maximum of four percent (4%).
- c. Intersection Curve Radii – Design of curb or edge of pavement must take into account such conditions as types of turning vehicles, likely speeds of traffic, angle of turn, number of lanes, and whether parking is permitted; however, curb or edge of pavement radii must not be less than the following:

<u>Type of Intersection</u>	<u>Minimum Simple Curve Radii of Curb or Edge of Pavement</u>
Arterial with Arterial	40' or more, as determined after consultation wit Pennsylvania Department of Transportation
Arterial with Collector and Minor	35'
Collector with Collector	30'
Collector with Minor Street	25'
Minor Street with Minor Street	20'

Three-centered compound curves equivalent to the above minimum simple curves are permitted and encouraged where applicable. In the design of compound curves, the ratio of the flatter radius to the sharper one should not exceed one and one-half (1.5). Sudden

changes between curves of widely different radii or between long tangent and sharp curves shall be avoided.

Radius corners or diagonal cutoffs must be provided on the property lines substantially concentric with, or parallel to the cord of the curb radius corners.

- d. Clear Sight Triangles – Proper sight clearance must be maintained at all street intersections. Measured along the centerline of the street, there shall be a clear sight triangle with sides as follows:

<u>Type of Street</u>	<u>Clear Sight Triangle Side</u>
Arterial Street	150 feet
Collector Street	75 feet
Minor Street	75 feet

No building or construction is permitted within such triangles.

Passing sight distance and stopping sight distance shall comply with the minimum requirements of PennDOT Publication 70, based on highway classification and speed limit.

- e. Distance Between Intersections – Shall be in accordance with the following:

	<u>Type of Intersection</u>				
	<u>Arterial With Arterial</u>	<u>Arterial With Collector &amp; Minor</u>	<u>Collector With Collector</u>	<u>Collector With Minor</u>	<u>Minor With Minor</u>
Minimum Distance Between Centerlines of Intersections	800'	800'	600'	500'	500'
Minimum Separation of Centerlines for Streets Not in Alignment	Must be in alignment with planned or proposed streets entering from opposite side.			200'	200'

- f. Multiple Intersections – Involving junction of more than two (2) streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.

- s.507 Street Construction - Refer to Conewago Township's Construction and Materials Specifications.
- s.508 Curbs and Gutters – Refer to Conewago Township's Construction and Materials Specifications.
- s.509 Sidewalks – Refer to Conewago Township's Construction and Materials Specifications.

s.510 Other Street Provisions

- a. Required Location of Service Drives or Alleys – In developments with detached and semi-detached dwellings, alleys are prohibited except in the rear of lots that front on a major thoroughfare, or where necessary to furnish access to rear yard garages on very steep lots.

In other types of residential developments they may be permitted. In commercial or industrial districts without off-street loading areas, alleys are required except as follows: Where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed, the Board of Supervisors may waive this alley requirement.

- b. Dead End Service Drives or Alleys – Where service drives or alleys dead end, they must be provided with a paved turnaround with a minimum diameter of eighty (80) feet or a paved “Y” turnaround of sufficient size.
- c. Access – Streets shall be laid out to provide access to all lots and to adjacent undeveloped areas, and the developer shall improve these streets to the limits of the development.
- d. Reserve Strips – Controlling access to the development or to adjacent areas by means of reserve strips is prohibited except when their control is definitely placed in the jurisdiction of the Township under conditions approved by the Board of Supervisors.
- e. Street Names – Shall not duplicate existing or platted street names, or approximate such names by the use of suffixes such as “land,” “street,” “way,” “drive,” “court,” “avenue,” etc. In approving names of streets, cognizance may be given to existing or platted street names within the Township and the Northeastern School District. New streets shall bear the same name of the existing or platted street of which they are a continuation or with which they are in alignment. Street names must be approved by York County 911 and the Address Management Section of the U. S. Postal Service at the Harrisburg Post Office. Certification of approval by the two (2) agencies must be provided by the developer prior to Township approval.

s.511 Driveways and Access Drives

- a. Driveways – Refer to Conewago Township’s Driveway Ordinance.
- b. Access Drives – Access drives shall have the following characteristics:
- On a street frontage, the number of access drives intersecting with the street may not exceed one (1) per lot or tract unless circumstances warrant an additional access point. Additional access points shall not be permitted unless approved by the Township.
  - Where access from an arterial or collector street may be necessary for several adjoining lots, the Township may require that such lots be served by one (1) or

more combined access drives in order to limit possible traffic hazards on such streets.

- Access drives shall be so located to provide reasonable sight distances at intersections with streets.
- Access drives shall require a twenty-four (24) foot right-of-way. The minimum pavement width for access drives shall be twenty-four (24) feet (two [2] twelve [12] foot traffic lanes).
- The horizontal and vertical alignments of access drives shall conform to the specifications for minor streets as stated in s.505(j) and s.505(k), respectively.
- The intersection of an access drive with a street or with another access drive shall conform to the specification for collector streets as stated in s.506(a), (b), (c) and (d).
- At its intersection with a street, no part of any access drive shall be nearer than one hundred (100) feet to the intersection of any two (2) street right-of-way lines.
- All access drives shall be paved with concrete or bituminous paving material or with a material suitable to the Board of Supervisors.

s.512 Blocks

The length, width and shape of blocks shall be determined with due regard to the following:

- Provision of adequate sites for type of buildings proposed.
- Zoning requirements, if any.
- Topography.
- Requirements for safe and convenient vehicular and pedestrian circulation.

Blocks shall have a maximum length of sixteen hundred (1,600) feet, and so far as practical, a minimum length of five hundred (500) feet. In the design of blocks longer than eleven hundred (1,100) feet, special consideration shall be given to the requirements of satisfactory fire protection.

Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a major traffic street are used.

Crosswalks or pedestrian interior walkways may be required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a width of not less than ten (10) feet and a paved walk surface of not less than four (4) feet.

In commercial and industrial areas, the block layout shall be designed with reference to service of the public and with provisions for adequate off-street parking and loading facilities.

s.513 Lots and Lot Sizes

- a. Lot Layout – All lots shall conform to the following requirements:
- All lots shall have access to dedicated public street (existing or proposed). Lots not having access upon a street shall not be approved.
  - Reference Section 412 of the Conewago Township Zoning Ordinance, dated August 3, 2009, for exceptions to minimum lot width criteria.
  - Double frontage lots are prohibited, except where employed to prevent direct vehicular access to collector or arterial streets.
  - Lots utilizing driveways shall not, in general, derive direct vehicular access from an arterial or collector street. Reverse frontage lots shall be required, wherever practical, along such streets in order to limit traffic hazards and to provide for the efficient movement of traffic.
  - Corner lots shall provide for equal setbacks on both streets.
  - The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated.
  - Depth and width of parcels intended for multi-family residential and all nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.
  - Lot depths, in general, should be not less than one (1) nor more than two and one-half (2½) times the average width.
  - Lots with areas that are two (2) or more times the minimum requirements shall, wherever feasible, be designed with configurations which allow further subdivision.
  - Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
- b. Lot Dimensions – The dimensions and areas of the lot must conform to the Township Zoning Ordinance.
- Where sanitary sewage disposal is to be provided by individual on-site facilities, the Board of Supervisors, in conjunction with either the Pennsylvania Department of Environmental Protection or the Township Sewage Enforcement Officer, may increase the minimum lot sizes and widths specified in the Township Zoning Ordinance. In no case shall lots be less than the size necessary for proper installation of on-site sewage disposal systems.
- c. Setback Lines – The setback lines for buildings must conform to the Township Zoning Ordinance.

- d. Planting Screens – Where lots face an interior street and back on a major thoroughfare or abut properties in other uses with an adverse effect upon them, a planting strip at least fifteen (15) feet wide may be required along the back or abutting side of the lot as the case may be. No right-of-access may open onto or through the strip.

s.514 Sewage Disposal and Water Supply

- a. Sewage Disposal Requirements – Based upon the results of the Department of Environmental Protection Planning Module for Land Development required in Section 403, all land developments must be provided with sanitary sewage disposal facilities as follows:
- Where there is an existing public sanitary sewer system within one thousand (1,000) feet of the proposed development and adequate treatment capacity is available, a complete sanitary sewage collection system must be installed and connected by the developer to the existing public sanitary sewer system, if in the Township’s Board of Supervisors’ opinion, it is feasible. If adequate treatment capacity is not available, no connection to the existing public sanitary sewer system may be made.
  - The plan for the installation of a sanitary sewer system must be prepared for the development and approved by the Township Engineer and the Pennsylvania Department of Environmental Protection. The Township Engineer must inspect the sewer line before it is covered. Upon completion of the sanitary sewer installation, a reproducible as-built plan of the system must be filed with the Township.
  - Pipe sizes for sanitary sewer mains and sewer laterals and locations for manholes shall meet current Township specifications. Manholes shall be located generally at intervals of two hundred fifty (250) feet and in no case more than four hundred (400) feet. Manholes are also required at all points of change of course or grade and at all points of intersection of sewer lines.
  - Sanitary sewers shall not be used to carry storm water.
  - If connection to a public sanitary sewer system is proposed, a written application requesting the allocation to and reservation of sanitary sewer capacity for the development must be submitted either with the Preliminary Plan (where such reservation is required) or with the Final Plan if not preceded by a Preliminary Plan.
  - Where there is no existing public sanitary sewer system with adequate treatment capacity presently available but such a system is to be available within one thousand (1,000) feet of the site of the proposed development within four (4) years, a complete sanitary sewage collection system must be installed and connected to a temporary package treatment plant until connection to a public sanitary sewer system can be made, or capped, and on-site sewage disposal system can be made.
  - Where the site of the proposed development is greater than one thousand (1,000) feet from any existing public sanitary sewage system and where there are no

plans to provide for the installation of such a system within one thousand (1,000) feet of the site of the proposed development within four (4) years, the developer may provide the proposed development with a complete sanitary sewer system if adequate treatment capacity is available and all connection costs are assumed by the developer. If this is not feasible or desirable, the adequate provision of on-site subsurface or alternate sewage disposal systems approved by the Pennsylvania Department of Environmental Protection must be investigated.

- Where installation of a public sanitary sewer system is not required, the developer or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewage disposal system consisting of a septic tank and tile absorption field or other sewage disposal system approved by the Pennsylvania Department of Environmental Protection and the Township Sewage Enforcement Officer.
- If on-site subsurface or alternate sewage disposal systems are feasible, they must be laid out in accordance with minimum standards of the Sewage Facilities Act (Act 537), as amended, and the rules and regulations adopted by the Pennsylvania Department of Environmental Protection. The Township and/or the Pennsylvania Department of Environmental Protection must inspect and approve each on-site sewage disposal system.
- All sanitary sewer systems located in any designated flood plain district, whether public or private, shall be flood-proofed up to the Regulatory Flood Elevation. The Board of Supervisors shall prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics or are proposed for location in designated flood plain districts. The Board of Supervisors may require that the developer note on the face of the plan and in any deed of conveyance that soil absorption fields are prohibited in designated areas.

All requirements in Conewago Township's Construction and Materials Specifications Manual must also be met.

- b. Water Supply Requirements – Based upon the results of the Water Facilities Feasibility Report required in s.404, all land developments must be provided with water supply facilities as follows:

- Where there is an existing public water supply system on or within one thousand (1,000) feet of the proposed development, a complete water supply system connected to the existing public water supply system must be provided.
- Where there is no existing public water supply and the feasibility report indicates that connection to a public water supply system is not feasible, each lot in the development must be provided with an individual water supply system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Protection.
- Where connection to a public water supply is possible or feasible, the plan for the installation of such water supply system must be prepared for the development

with cooperation of the appropriate water utility company and approved by the Township Engineer.

- Upon completion of the water supply system, a reproducible as-built plan of the system must be filed with the Township.
- All new or replacement water systems located in flood plain districts, whether public or private, shall be flood-proofed up to the Regulatory Flood Elevation.

s.515 Storm Water Management

- a. General Requirements – Prior to the preliminary approval of subdivision or land development plans (final approval if a minor subdivision or waiver of the preliminary phase) the developer shall prepare a storm water management plan in accordance with criteria established by the Township Stormwater Management Ordinance.
- b. Lot Drainage – Lots shall be laid out and graded to provide positive drainage away from new and existing buildings and on-site waste disposal sites in order to prevent the collection of storm water in pools. Roof drainage shall be provided for according to recommendations of the Township Engineer or such other officials as may be designated by the Board of Supervisors. Topsoil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover. In areas not to be paved or built upon, compaction shall not exceed eighty percent (80%) of the dry weight density as determined by the Modified Proctor Test.
- c. Nearby Existing Facilities – Where adequate existing storm sewers are readily accessible, the developer must connect his storm water facilities to these existing storm sewers.
- d. Open Drainageways – When open drainageways are used for the disposal of storm water, the Township shall review the design of such open drainageways in relation to the following:
  - Safety: Steep banks and deep pools shall be avoided.
  - Erosion: Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the scouring of the channel.
  - Stagnation: Design of open drainageways shall not create stagnant pools or swampy areas.

Whenever the evidence available to the Township indicates that natural surface drainage is inadequate, the developer shall install storm sewers, culverts and related facilities, as necessary, to:

- Permit the unimpeded flow of natural watercourses.
- Ensure the drainage of all low points along the line of streets.
- Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.

- Provide adequate drainage away from on-site sewage disposal facilities.

Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that may occur when all the property at a higher elevation in the same drainage basin is fully developed.

- e. Abutting Properties – In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. When a storm drainage outlet will discharge upon another property, the developer must secure the approval in writing of adjoining affected owners. In no case may a change be made in the existing topography which would:
- Result in increasing any portion of the slope steeper than one (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills, or one (1) foot vertical measurement for two (2) feet of horizontal measurement for cuts within a distance of twenty (20) feet from the property line unless an adequate retaining wall or other structure is provided.
  - Result in a slope which exceeds the normal angle of slippage of the material involved. All slopes must be protected against erosion.
- f. Drainage Upon and On Streets
- (1) Upon Streets – In order to give proper surface water drainage upon streets, a structure on a lot must be at a grade in satisfactory relationship:
- With established street grade, or
  - With the existing street grade where none is established.
- (2) On Streets – A street must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a street roadway shall not be less than one-eighth (1/8) of an inch per foot and not more than one-third (1/3) of an inch per foot. Adequate facilities must be provided at low points along the street and other points necessary to intercept runoff. The slope of the street from the property line to the curb shall not be less than three-fourth (3/4) of an inch per foot.
- g. Bridges and Culverts – Bridges and culverts shall be designed to meet current Pennsylvania Department of Transportation standards to support expected loads and carry expected flows. They shall be constructed to the full width of the right-of-way.
- h. Drainage Facilities – Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. Plans shall be subject to the approval of the Board of Supervisors. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of

excess runoff onto adjacent properties. Design storms shall be established by the Township Engineer.

s.516 Land Grading Requirements

- a. General – No land or parcel of land within the Township shall be graded or filled by any landowner, developer or subdivider unless and until there has been compliance under the provisions of this Section.
- b. Applicability – The provisions of this Section shall apply if the existing condition of any land or parcel of land is proposed to be changed by any one (1) of the following:
  - (1) Land is to be graded or filled to alter the existing contours more than an average of two (2) feet in elevation over any area in excess of six thousand (6,000) square feet.
  - (2) Land is to be filled to a depth of five (5) feet or more over any area in excess of one thousand (1,000) square feet.
  - (3) Land is to be graded or filled within an existing watercourse (whether an intermittent or flowing stream, or any normally dry swale which carries any amount of water during rainfall).
- c. Approval of Land Grading Plan – The Land Grading Plan and all information and procedures relative thereto, shall in all respects be in compliance with the provisions of this Section, except where variation therefrom may be specifically authorized by the Board of Supervisors.
- d. Drawing Requirements for Land Grading Plan – The following data shall be shown on the Land Grading Plan:
  - (1) The Plan shall be prepared and Certification made as to its accuracy by a registered surveyor or registered professional engineer. A workman-like execution of the plan shall be made in every detail. A poorly drawn or illegible plan shall be sufficient cause for its rejection.
  - (2) Traverse map of the perimeter of the land or parcel of land. The traverse shall have an error of closure of not greater than one (1) in five thousand (5,000).
  - (3) Existing topographic contours of the area to be graded or filled at contour intervals of two (2) feet and depicted by a broken line unless the Planning Commission determines that a different contour interval is required. The proposed finished-grade contours shall be shown at contour intervals of two (2) feet and depicted by solid line.
  - (4) All existing watercourses within five hundred (500) feet of the area to be graded or filled, whether on land owned by the applicant or by others, shall be shown on the Plan.
  - (5) If any existing watercourse will be affected by the proposed land grading, the provisions of Section 515, “Storm Water Management” shall apply. The

proposed storm drainage construction or other construction necessary to fulfill the requirements of the aforesaid Section 515 shall be shown on the plans.

- (6) Total acreage of tract.
- (7) Location and identification of all existing and proposed public and private easements.
- (8) Existing and proposed street names.

e. Additional Drawing Requirements for Land Grading Plan – In addition to the Drawing Requirements previously stated, the following data shall be shown on the Land Grading Plan:

- (1) The plan shall be drawn to scale of not less than one inch equals fifty feet (1" = 50'), shall indicate the magnetic north point, and owner's name and address.
- (2) Abutting property lines and the names of abutting landowners.
- (3) In cases of heavily wooded areas, the outline of the wooded areas and the location of trees which are to remain, shall be shown.
- (4) A location map at a scale of one inch equals four hundred feet (1" = 400') shall be drawn showing:
  - (a) Relation of tract to adjoining property.
  - (b) Related road and highway system within one thousand (1,000) feet of tract.
- (5) Statement that the applicant is the owner, equitable owner or authorized by the owner in writing to make application for the proposed land grading.

f. Construction Requirements

- (1) Fill – Fill shall not contain boulders or fractured rock or broken concrete over one (1) foot in largest dimension, or any organic material, trash, garbage, or broken asphalt paving. Fills of more than five (5) feet deep shall be compacted while being placed by a method approved by the Township Engineer.
- (2) Slopes – All constructed slopes shall not exceed the following:
  - (a) Cut slopes in earth – two (2) horizontal, one (1) vertical
  - (b) Cut slopes in rocks – one (1) horizontal, one (1) vertical
  - (c) Fill slopes – three (3) horizontal, one (1) vertical
- (3) Drainage – All drainage construction shall meet the requirements of Section 515 of this Ordinance.

g. Other Requirements

- (1) During grading operations, necessary measures for dust control will be exercised.
- (2) Grading equipment shall not be allowed to cross streams. Provisions will be made for the installation of temporary or permanent culverts or bridges.
- (3) Where any excavation or grading is proposed or where any existing trees, shrubs or vegetative cover will be removed, the developer shall consult the York County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. The specific comments of the York County Conservation District representative shall be included as part of the Land Grading Plan submission.
- (4) In a subdivision where the slopes on the site average more than fifteen percent (15%) change in elevation, the Planning Commission may recommend larger lot sizes than otherwise provided in the Zoning Ordinance.

s.517 Other Utilities

- a. Easements, Width and Location – Easements with a minimum width of fifteen (15) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures shall be placed within such easements. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- b. Underground Installations – In developments of five (5) or more lots, electric, telephone and all other utility facilities shall be installed underground. The developer shall be required, prior to Final Plan approval, to obtain a letter from the appropriate utility company confirming that the developer has entered into an agreement to provide for an underground electric and telephone system in accordance with the Pennsylvania Public Utility Commission Investigation Docket #99, as amended, or has obtained a waiver from said Pennsylvania Public Utility Commission to allow overhead electric and telephone facilities.
- c. Petroleum, Gas and Electric Transmission Lines – Where any petroleum, petroleum products, natural gas or electric transmission line traverses a land development, the developer 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 transmission line.

Additionally, the Township will require, with the preliminary plan application (final plan application if a minor subdivision), 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.

- d. Floodproofing of all Utilities – All new or replacement public and/or private utilities and facilities in flood-prone areas shall be elevated or floodproofed up to the Regulatory Flood Elevation.

s.518 Local Recreation Sites

- A. Where a proposed park, playground, open space, or other local or neighborhood recreation site is shown on the Comprehensive Plan or where the Township considers that a local recreation site is necessary to carry out the purpose of this Ordinance, the Township may require the dedication of all or a portion of such site in accordance with the following standards:
  - 1. 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 for each lot or dwelling unit shown on the Final Plan is as follows:
  - 1. For each lot or dwelling unit to be created, the amount of land to be dedicated shall be no less than 10,890 square feet.
- C. Where the application of these area standards would result in an open space or recreation site too small to be usable, or if the Comprehensive Plan calls for such local recreation site to be located elsewhere or if a suitable local recreation site cannot be properly located in the land development, as determined by the Township, a payment of a fee in lieu of the dedication of such land is required. The following procedures must be followed:
  - 1. The amount of the fee shall be set by resolution of the Board of Supervisors. This fee shall be based on the prevailing average value of development land in the Township and shall be substantially equal to the value of the land that would be set aside if the standards in this section (first paragraph) were applied.
  - 2. The fee must be paid to the Township prior to the approval of the Final Plan.
  - 3. All monies paid to the Township in this manner must be kept in a special fund established as provided by law. Monies in such special fund must be used only for the acquisition or lease of land for park, recreation or open space purposes, or for physical improvements such as apparatus, structures, grading or landscaping to such recreation sites.
- D. When the Township adopts an official plan of neighborhoods or local planning districts, the accounts of the fund must show the amount of fees collected in each neighborhood or district. Thereafter, moneys expended from the fund of land acquisition in any one (1) neighborhood may not exceed moneys collected from that neighborhood. Until such plan of neighborhoods or planning districts is adopted, moneys expended from the fund must as nearly as may be practicable, be for land acquisition in the general area of developments from which such moneys were derived so the site will be readily accessible to the residents of such developments.
- E. The provisions of these regulations governing the setting and collection of fees in lieu of land dedication shall not be utilized until the Township has established a capital reserve fund.
- F. In lieu of requiring the dedication of a recreation or park site, or a fee for this purpose, the Board of Supervisors may permit a private site to be used if in its judgment the purposes

of these regulations regarding recreation and park sites will be accomplished. The private site shall be secured for such use by deed covenants or other private restrictions.

s.519 Other Public Sites

In all land developments the dedication of sites for other appropriate public uses, such as but not limited to schools, library, and public service buildings, and water producing sites, may be required. Such areas or sites must be of a character, extent, and location as to be clearly related to the local and neighborhood needs of the residents of the development. No land may be required for dedication which would primarily serve the need of the Township as a whole as distinguished from the development or neighborhood.

s.520 Watercourses and Drainageways

Where a land development or subdivision is traversed by a watercourse, stream, channel or other drainageway, the developer must provide a drainage easement conforming substantially to the existing alignment of the drainageway. The easement must be a width adequate to:

- Preserve the unimpeded flow of natural drainage.
- Widen, deepen, relocate, improve or protect the drainageway.
- Install a storm water sewer.
- Accommodate a one hundred (100) year design storm.

Any changes in an existing watercourse, stream, channel or other drainage way must be approved and a permit issued by the Pennsylvania Department of Environmental Protection, Dams and Encroachment Division. Notification of permitted changes shall be forwarded by the Township to all affected adjacent communities, the Pennsylvania Department of Community and Economic Development, the Federal Emergency Management Administration and the Army Corps of Engineers.

Under no circumstances may any watercourse be altered such that the carrying capacity of the stream is reduced.

s.521 Street Name Signs

The land development or subdivision shall be provided with street name signs at all street intersections. Street name signs shall be furnished and installed by the Township after adoption of the street. The costs of furnishing and installing street name signs will be billed to the developer.

s.522 Street Trees

In developments of six (6) or more lots, the developer shall provide street trees. The trees should be:

- Of a minimum caliper of one and one-half (1½) inches.
- Planted between the sidewalk and setback line at least five (5) feet from the sidewalk.
- Uniformly spaced not less than fifty (50) feet nor more than one hundred (100) feet apart along the entire length of each street within the development.
- Street trees shall not be planted until the finished grading of the subdivision or land development has been completed.  
All requirements in Conewago Township's Construction and Materials Specifications Manual must also be met.

s.523 Street Lights

For the safety, convenience, and attractiveness of the development, on-site or public street lights shall be installed unless conditions require otherwise.

Where electric service is supplied by underground methods, and prior to the installation of streets, curbs, sidewalks and driveways, the subdivider shall provide and install conduits where necessary to accommodate the installation of a street lighting system. Installation and location of conduits will comply with the specifications of the appropriate public utility.

All requirements in Conewago Township's Construction and Materials Specifications Manual must also be met.

s.524 Fire Hydrants

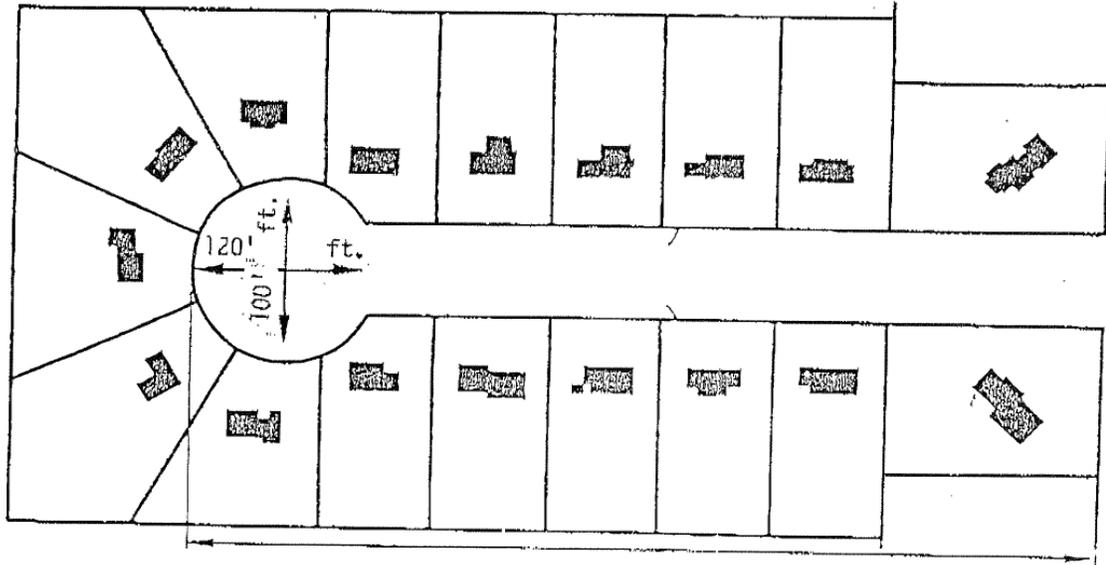
Fire hydrants shall be required for all subdivisions or land developments provided with a community water system or a public water supply system. Fire hydrants shall be located within six hundred (600) feet of any dwelling unit or structure open to the public. Fire hydrants shall be installed in accordance with the requirements of the local fire authority and all applicable regulations.

s.525 Monuments and Markers

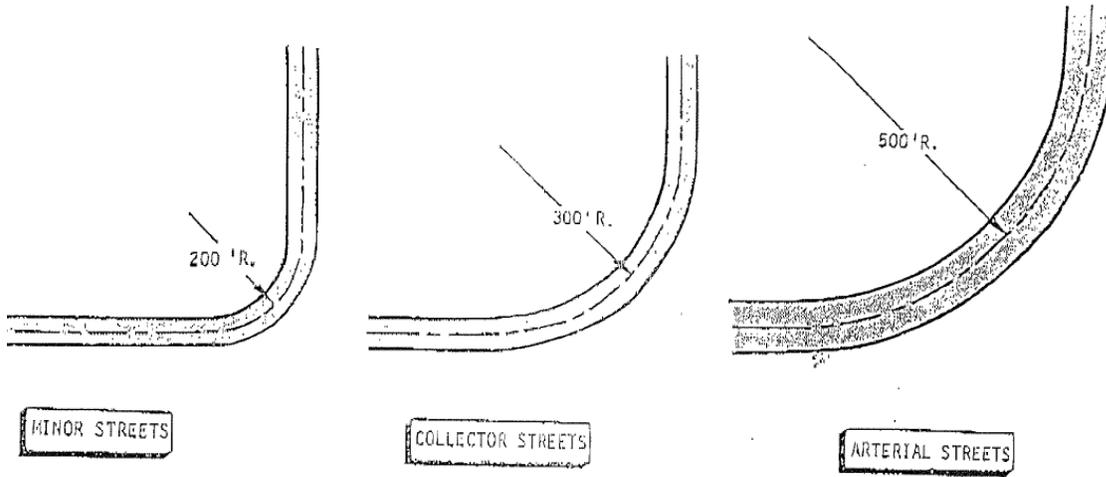
a. Specifications – Monuments and markers must be constructed as follows:

	<u>Material</u>	<u>Minimum Size</u>
Monument	concrete or stone	6" x 6" x 30"
Marker	Iron pipes or iron or steel bars	15" x ¾" dia.

- b. Placement and Marking – Monuments and markers must be placed by a Registered Engineer or Surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments must be marked on top with a copper or brass dowel.
- c. Location of Monuments – Monuments must be set:
- At the intersection of lines forming angles in the boundaries of the development.
  - At the intersection of street lines.
- d. Location of Markers – Markers must be set:
- At the beginning and ending of curves along street property lines.
  - At points where lot lines intersect curves either front or rear.
  - At angles in property lines of lots.
  - At all other lot corners.
- e. Removal – Any monuments or markers that are removed must be replaced by a Registered Engineer or Surveyor at the expense of the person removing them.



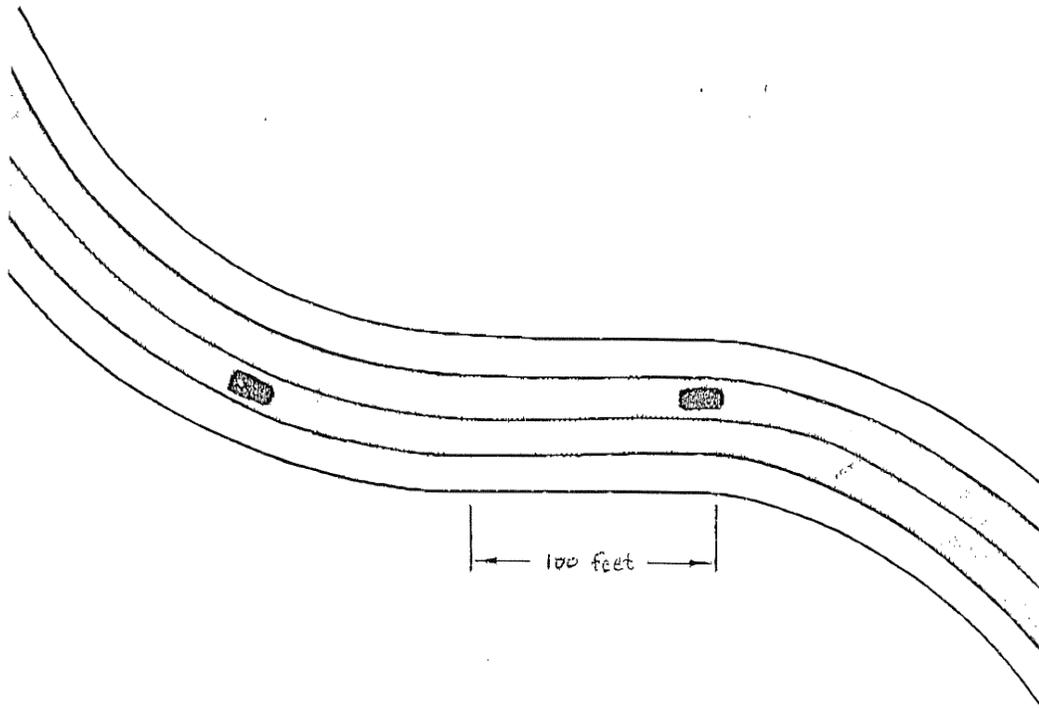
**Cul-De-Sacs :** Cul-De-Sac streets should be a minimum of two hundred fifty (250) feet in length and a maximum of five hundred (500) feet in length unless topographic conditions and/or tract shape warrant an increase that is approved by the Township. They must be provided with a minimum diameter of one hundred (100) feet to the outside curb and one hundred twenty (120) feet to the street right-of-way line.



**CURVES -- MINIMUM RADII**

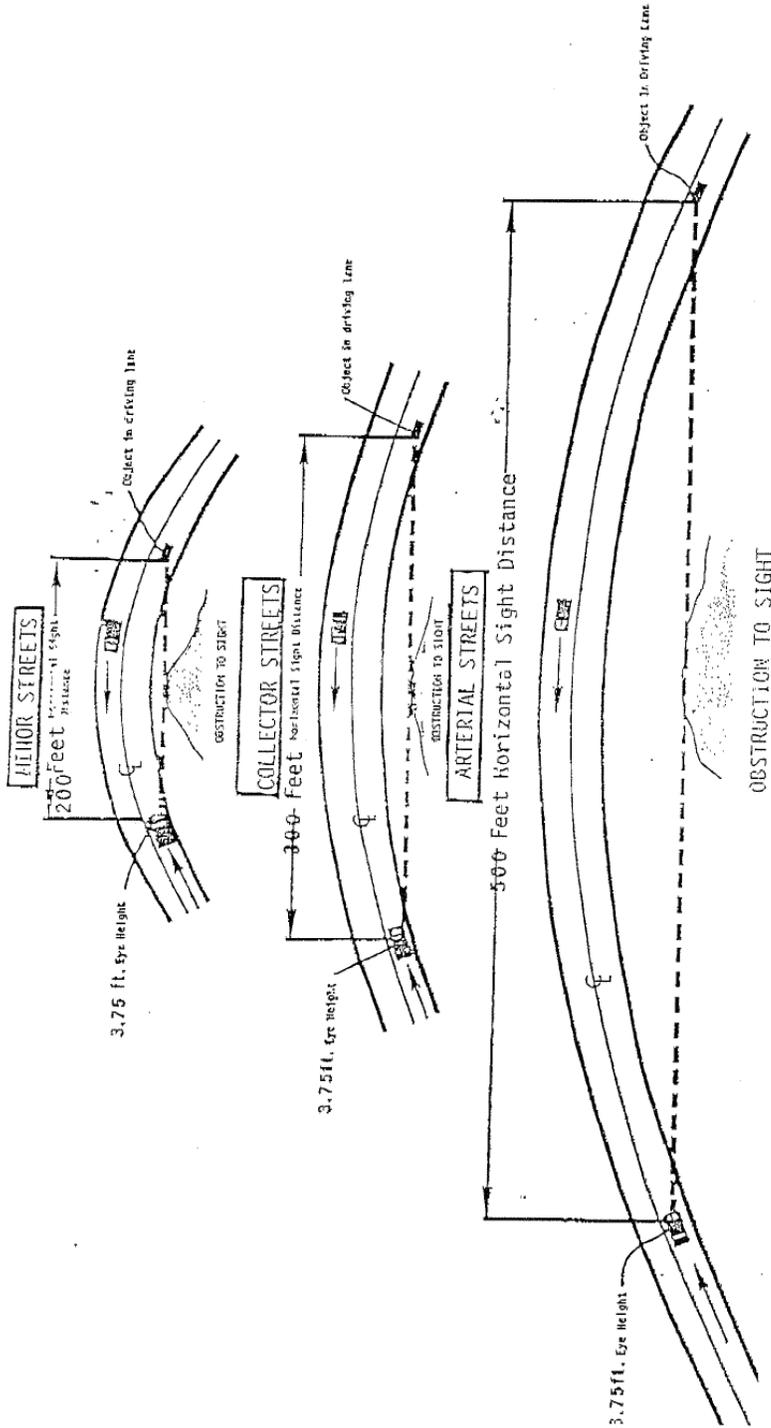
The minimum radius at the centerline for curves must Be as follows:

TYPE OF STREET	MINIMUM RADIUS
Arterial	500 Feet
Collector	300 Feet
Minor	200 Feet



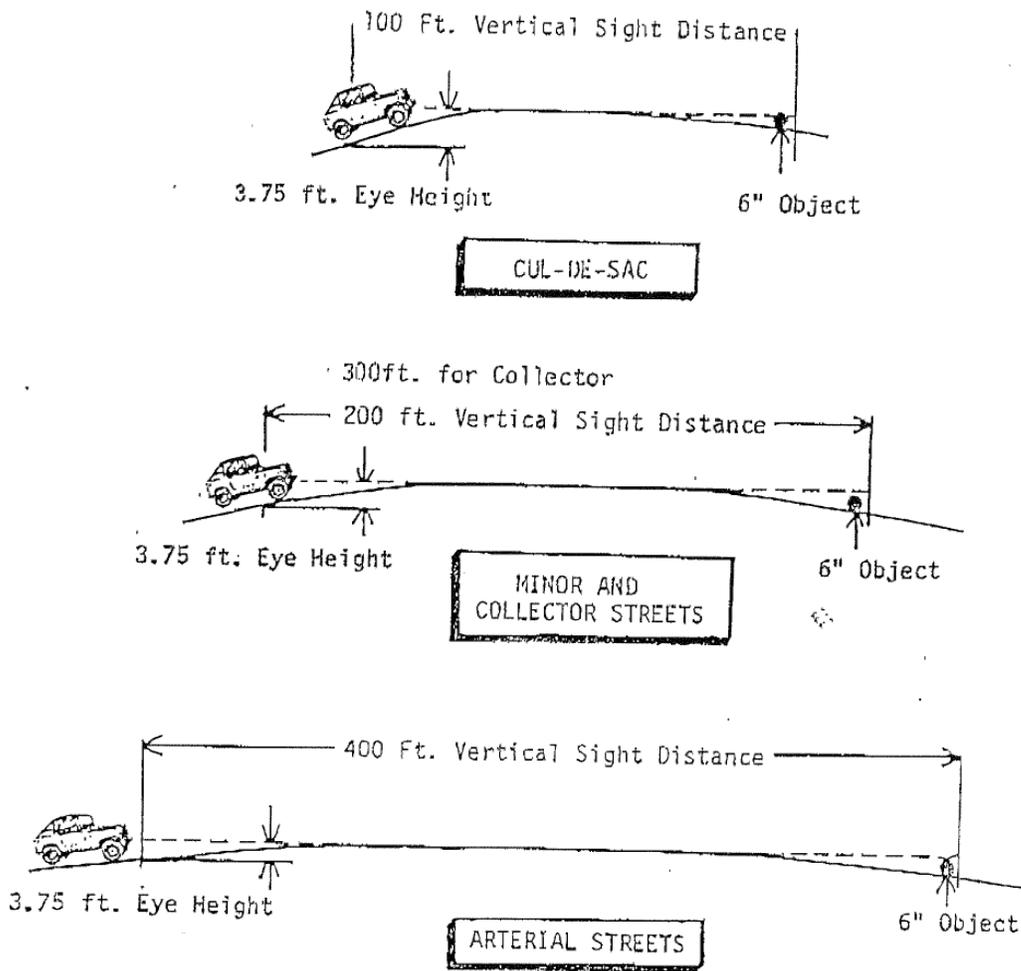
**REVERSE CURVES -- MINIMUM TANGENT BETWEEN:**

**Except for Minor Streets, there shall be a tangent of at least  
One hundred (100) feet between Reverse Curves.**



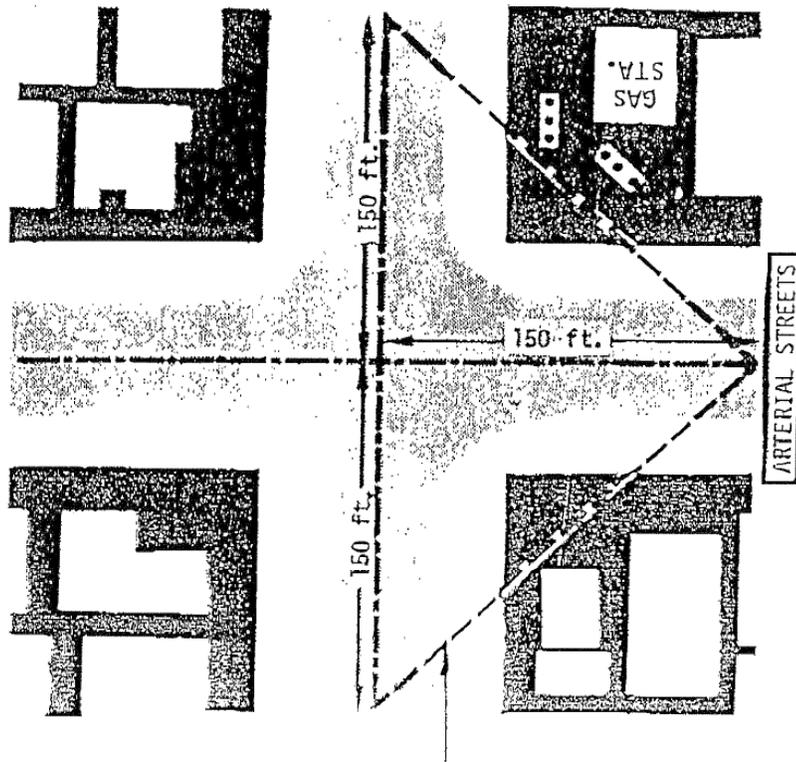
**SIGHT DISTANCES -- HORIZONTAL ALIGNMENT**

Proper sight distance must be provided with respect to horizontal alignment. Measured along the center line, 3.75 above grade, this sight distance must be Five hundred (500) feet for Arterial Streets, three hundred (300) for Collector Streets and two hundred (200) feet for Minor Streets.

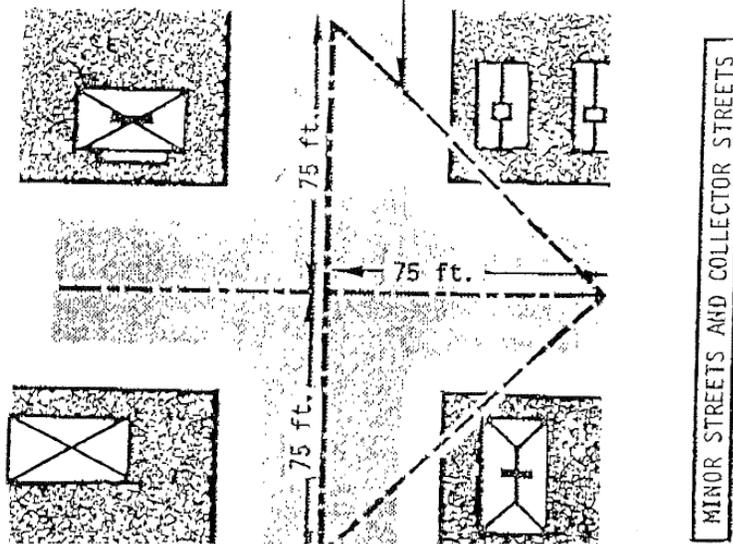


**SIGHT DISTANCES -- VERTICAL ALIGNMENT**

Proper sight distance must be provided with respect to vertical alignment. Measured along the center line, 3.75 above grade, this sight distance must be Four hundred (400) feet for Arterial Streets, three hundred (300) for Collector Streets and two hundred (200) feet for Minor Streets and one hundred (100) Feet for a street ending in a Cul-de-Sac.

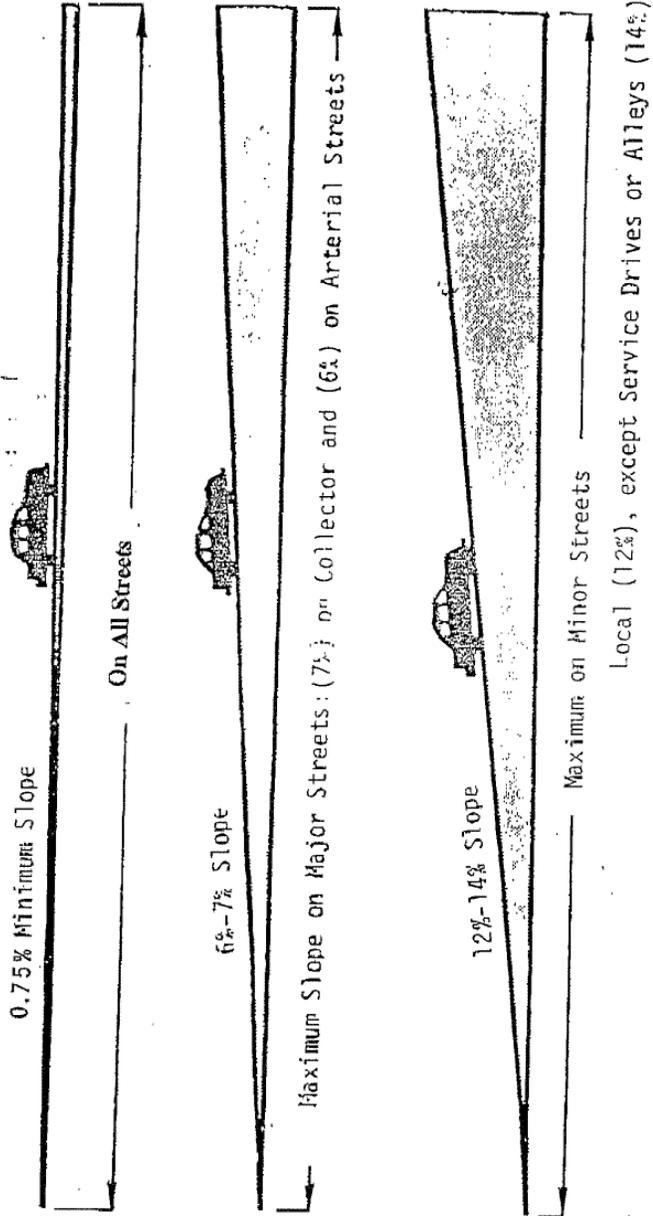


No Obstruction  
Within Sight  
Triangle



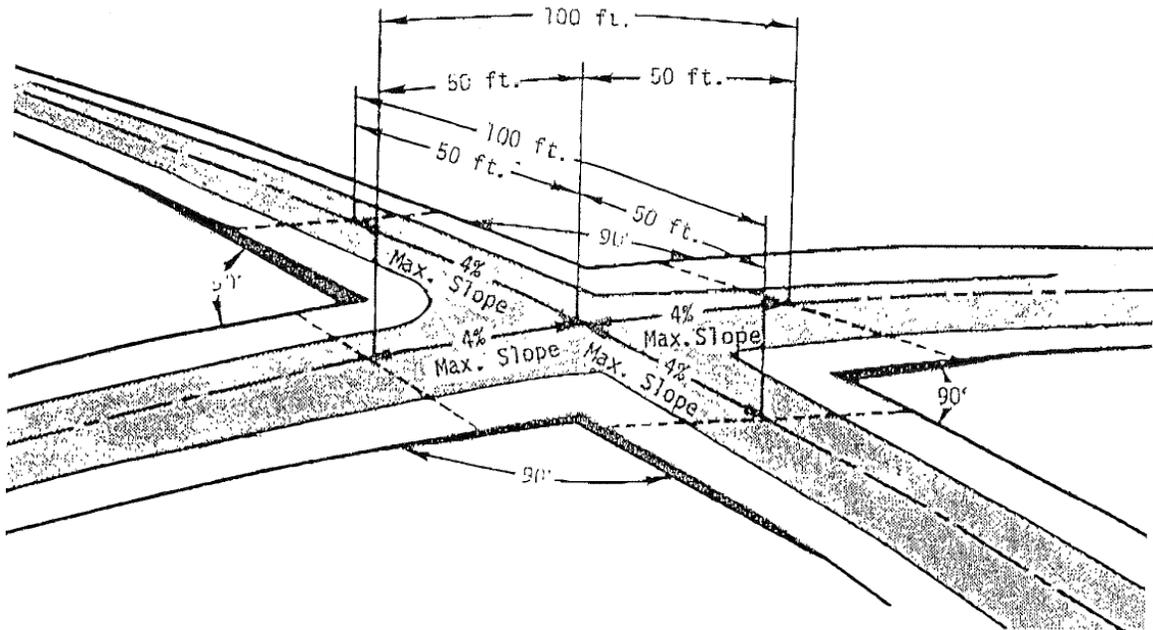
### INTERSECTION SIGHT DISTANCES

Proper sight lines must be maintained at all Street intersections. Measured along the Center line, there must be a clear sight triangle of seventy-five (75) feet (150 feet for Arterial Streets) from the point of intersection; no building or obstruction is permitted in this area.



**GRADES OF STREETS -- MINIMUM AND MAXIMUM SLOPES**

There shall be a minimum grade of at least 0.75 percent on all streets; a maximum grade of six (6) percent on Arterial and seven (7) percent on Service Drives or Alleys.



**INTERSECTION GRADES**

Intersections must be approached on all sides by level area. These level areas must have a Minimum length of fifty (50) feet (measured from the intersection of the center lines) within which no grade shall exceed a maximum of four percent (4%).

## ARTICLE VI

### IMPROVEMENTS, DEDICATION AND RESERVATION

s.601 Installation of Improvements

The final responsibility for the installation of the improvements required by this Ordinance rests with the applicant. Upon installation of improvements in accordance with the specifications of the approved plan and the Township Engineer, the applicant must take the final steps to dedicate the improvements and have them accepted by the Township.

s.602 Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval

No plan shall be finally approved unless the streets shown on such plan have been improved as may be required by this Ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the developer shall deposit with the Board of Supervisors a corporate bond or other financial security in an amount sufficient to cover the costs of any improvements which may be required: which financial security may include, among others, a lending institution irrevocable letter of credit or a restrictive or escrow account in a lending institution. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required within one (1) year of the date fixed in the subdivision plan for completion of such improvements. The amount of financial security or bond shall be equal to one hundred ten percent (110%) of the cost of the required improvements for which financial security is posted. The cost of the improvements shall be established by submission to the Board of Supervisors of bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security or bond to complete the improvements or, in the absence of such bona fide bids, the cost shall be established by estimate prepared by the Township Engineer. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements or the development is projected over a period of years, the procedures for securing the appropriate securities or bonds shall be as outlined in Section 509 of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

s.603 Release From Improvement Bond

When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Supervisors and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors and 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, 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 performance guaranty bond or other 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.

Where herein reference is made to the Township Engineer, he shall be a duly registered professional engineer employed by the Township or engaged as a consultant thereto.

s.604 Remedies to Effect Completion of Improvements

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

s.605 Offers of Dedication

The offer to dedicate streets, parks, or other areas or portions of them, does not impose any duty upon the Township concerning maintenance or improvement until the proper authorities of the Township have made actual appropriation by ordinance or resolution or by entry or improvement. If land is dedicated for a public site and its use for this purpose is not imminent, the developer may be permitted to dedicate the land with the privilege of using the surface rights until the Township is ready to use the land. Such dedication with the temporary privilege of use must be noted on the Final Plan.

s.606 Land Reservation

On sites reserved for eventual public acquisition, no building development is permitted during the period of reservation, said period of time not to extend more than eighteen (18) months without consent of the developer. Such land reservations shall be noted on the Final Plan.

s.607 Effect of Plan Recording on Dedication and Reservation

Recording the Final Plan after approval of the Board of Supervisors has the effect of an irrevocable offer to:

- Dedicate all streets and other public ways to public use.
- Dedicate all neighborhood parks and other public areas to public use.
- Reserve for possible future public acquisition such additional areas as may be required by the Township.

s.608 Maintenance Guarantee

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

Defective improvements include any defect in material or workmanship that was latent in character and not discernible at the time of final inspection or acceptance by the Township and/or any damage to improvements by reason of the settling of ground, base or foundation thereof. However, any damage to the street surface caused by tire chains, snow removal equipment or utility cuts by others are not the responsibility of the developer.

ARTICLE VII

MOBILE HOME PARK PROVISIONS

s.701 Approval Required

It shall be unlawful for any person to construct, alter, extend or operate any mobile home park within the limits of Conewago Township unless he holds a valid permit issued by Conewago Township in the name of such person for the specific construction, alteration or extension proposed.

s.702 Application for Mobile Home Park Approval

Applications for mobile home park approval shall conform to the requirements and procedures as established in Articles III and IV of this Ordinance and the following permit requirements:

- a. Application to Conewago Township – The applicant shall submit an application to the Conewago Township Secretary using a form furnished by that officer for a permit to operate a mobile home park in Conewago Township.
- b. Inspection and Issuance of Permit – Upon receipt of such application, the Conewago Township Planning Commission and Board of Supervisors shall forthwith inspect the applicant’s plans and proposed park to determine compliance with the provisions of this Ordinance. After favorable determination of same, said Supervisors shall issue a mobile home park permit to the applicant which shall be valid for a period of one (1) year thereafter.
- c. Renewal Permits – Renewal permits for a like period shall be issued by the Board of Supervisors upon furnishing proof by the applicant that his park continues to meet the standards prescribed by this Ordinance.

s.703 Fees

Each application for a new or renewal permit hereunder shall be accompanied by the payment of a fee as required in s.805 of this Ordinance. In the event that the Township is required to perform additional or unusual service in determining said application, the cost of such additional service shall be borne by the applicant. Such charges shall be levied whether or not the application is approved.

s.704 Limited Applicability to Existing Parks

Mobile home parks in existence as of the effective date of this ordinance shall be required to meet only the standards of the Pennsylvania Department of Environmental Protection and the existing Township Ordinances which were in effect at the time the initial development was approved or established. All other minimum standards prescribed herein shall be applicable only to those parks which are constructed or expanded after the effective date hereof.

s.705 Registration

- a. Conewago Township Permit – It shall be unlawful for any person to operate any mobile home park within the limits of Conewago Township unless he holds a permit issued annually by Conewago Township in the name of such person for the specific mobile home park. Proof of such registration shall be furnished to the Conewago Township Secretary no later than February 1 of each year.
- b. Transfer of Ownership – Every person holding a mobile home park permit shall file such notice in writing to the Conewago Township Board of Supervisors within ten (10) days after having sold, transferred, given away, or otherwise disposed of, interest in or control of any mobile home park.
- c. Suspension – Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provision of this Ordinance, or of any regulations adopted pursuant thereto, the Conewago Township Board of Supervisors shall give notice in writing to the person to whom the certificate is issued, advising him that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license to operate in Conewago Township shall be suspended. At the end of such period, such mobile home park shall be inspected and, if such conditions or practices have not been corrected, and the licensee has not requested a hearing, the Conewago Township Secretary shall suspend the license and give notice in writing of such suspension to the person to whom the certificate is issued. Any person, partnership or corporation who is in violation of any provisions of this Ordinance shall be subject to the penalties stated in Section 806 of this Ordinance.

s.706 Inspection of Mobile Home Parks

- a. Inspector – The Conewago Township Board of Supervisors are hereby designed as the persons to make such inspections. Another or additional inspectors may also be authorized to make inspections or additional inspections at the discretion of the Conewago Township Board of Supervisors.
- b. Inspections – An authorized representative of Conewago Township may inspect a mobile home park at reasonable intervals, and at reasonable times, to determine compliance with this Ordinance.
- c. Authorization of Act – The inspection officer (if other than the Board of Supervisors) may, in his discretion, give notice for violations of this Ordinance and issue notice thereof, without express authority from the Conewago Township Board of Supervisors in each instance.

s.707 Site Location and Dimensions

The location and minimum area of all mobile home parks shall comply with the following minimum requirements:

- a. Site Area – The site area of any mobile home park shall not be less than ten (10) contiguous acres. Site area shall exclude the beds of all existing streets and existing public rights-of-way.

- b. Density – The overall density of any mobile home park shall not exceed five (5) dwelling units per acre of the site area. Site area shall exclude the beds of all existing streets and existing public rights-of-way.
- c. Buffering – A fifty (50) foot wide buffer yard shall be provided along the entire perimeter of any mobile home park. Within such buffer yard an evergreen screen at least fifteen (15) feet wide shall be provided. Buffer yards shall be naturally landscaped and shall not be used for building, parking, loading or storage purposes. Except for access drives or pedestrian interior walkways permitted by the Township, a buffer yard shall be continuous for the entire length of a property line and not include the area of any individual mobile home lot.
- d. Site Location – The location of all mobile home parks shall comply with the following minimum requirements. The parks must be:
  - (1) Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.
  - (2) Not subject to flooding.
  - (3) Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
- e. Site Drainage Requirements
  - (1) Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled.
  - (2) Wastewater from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface in any part of a mobile home park.
- f. Soil and Ground Cover Requirements
  - (1) Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
  - (2) Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

s.708 Mobile Home Lots

- a. Minimum Lot Size – Each mobile home shall be placed on an individually designated lot. Each lot shall be not less than seven thousand five hundred (7,500) square feet in size and shall have a lot width of not less than seventy (70) feet.
- b. Setback Requirements – Each mobile home shall adhere to the following minimum setback requirements:
  - (1) Front Setback – thirty (30) feet.

- (2) Rear Setback – twenty-five (25) feet.
  - (3) Side Setbacks – Each lot shall have side yards totaling not less than thirty (30) feet with one side yard having a minimum of ten (10) feet but in no event shall mobile homes be placed closer than thirty (30) feet apart.
  - (4) Accessory Structure – Unattached utility structures of less than one hundred fifty (150) square feet may be placed in the side or rear yards but shall be at least ten (10) feet from the mobile home lot line.
- c. Access – All mobile home lots shall abut by the full lot width and be accessed from a park street.
  - d. Landscaping – Planting is required to the extent needed to provide for:
    - (1) Screening of objectionable views.
    - (2) Adequate shade.
    - (3) A suitable setting for the mobile homes and other settings.

Screen planting shall be adequate to screen objectionable views effectively within a reasonable time. Views to be screened include laundry drying yards, garbage and trash collection stations, non-residential uses and rear yards of adjacent properties. The plants shall be hardy, appropriate for the use and location, and planted so as to thrive with normal maintenance.

- e. Skirting – An enclosure of design and material compatible with the mobile home shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- f. Covering – maximum building coverage shall not exceed twenty percent (20%) of the lot area of each mobile home lot. Any garage, utility shed or other similar structures will be counted in such computations.
- g. Occupancy – The minimum number of stands completed and ready for occupancy before the first occupancy is permitted shall be two (2) stands. No space shall be rented except for periods of ninety (90) days or more. The occupancy of all mobile home lots shall be on a lease basis only.
- h. Minimum Floor Area – The minimum floor area of any mobile home located in a mobile home park shall be 700 square feet measured along the exterior walls.

#### s.709 Blocks

The size and shape of blocks in mobile home parks shall be determined with regard to:

- a. Need for convenient access, automotive and pedestrian movement.
- b. Providing desirable lot depths for pedestrian interior walkways and easements for utilities to be located within the block.

- c. Blocks shall not exceed a maximum length of one thousand (1,000) feet.

s.710 Construction of Mobile Home Stands – and also Addressed in the UCC

- a. Each mobile home lot shall be provided with a hard surfaced mobile home stand consisting of at least four (4) inches of a stone base material such as 2RC limestone, limestone modified, or 2B gravel and a pier type 16 inch square concrete block foundation or similar foundation that will not heave, shift, or settle unevenly due to frost action, inadequate drainage, vibrations, or other forces that may act on the superstructure. Each mobile home stand shall be equipped with appropriately designed utility connections and tiedowns, and shall be no less than six hundred (600) square feet in area.
- b. The mobile home stand shall be provided with anchors and tiedowns such as cast-in-place concrete “deadmen.” These anchors and tiedowns shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of twenty-eight hundred (2,800) pounds.

s.711 Street System

All streets within mobile home parks shall conform to the following standards:

- a. General Requirements – Two (2) safe and convenient vehicular accesses shall be provided from abutting public streets or roads.
- b. Location Principles – The streets or roads in a mobile home park shall be located and built with regard to:
  - (1) Providing streets or roads for convenient access to each mobile home lot and other important community facilities in the park.
  - (2) Recognizing existing easements which are to be preserved.
  - (3) Permitting connection to existing facilities where necessary for the proper functioning of drainage and utility easements.
- c. Circulation – The street system should provide convenient circulation by means of minor streets and properly located collector streets.

Minor streets shall be so located that their use by through movement of traffic will be discouraged.

Where a mobile home park abuts or contains an existing or proposed arterial street, the Township may require frontage roads, reverse frontage lots or such other treatment as may be necessary to afford separation of through and local traffic.

- d. Roadway Width – The entrance road connecting the park with a public street or road shall have a minimum roadway width of thirty-four (34) feet.

Other internal streets shall be as follows:

- (1) For collector streets a minimum pavement width of thirty-four (34) feet will be required.
- (2) For minor streets a minimum pavement width of thirty-two (32) feet will be required.
- (3) The parking requirement may be reduced by eight (8) feet if parking is restricted on one side of the street. If the parking is restricted on both sides, the minimum required width is twenty (20) feet in all cases. Common parking areas shall be required to compensate for any reduction of any on-street parking.

e. Street Widths – Streets in the park shall provide right-of-way widths as follows:

<u>Type of Street</u>	<u>Minimum Right-of-Way</u>
Collector Street	60 feet
Minor Street	50 feet

f. Construction, improvement and maintenance of all streets within the mobile home park shall be the responsibility of the mobile home park owner. All mobile home park streets shall be private streets.

g. Alignment and Grades – Streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and groundwater drainage, and proper functioning of sanitary and storm sewer systems.

- (1) Centerline grades shall not be less than one-half of one percent (0.5%).
- (2) Centerline grades shall not exceed the following:

Collector Streets – 7%  
 Minor Streets – 10%

- (3) Where the grade of any street at the approach to an intersection exceeds seven percent (7%), a leveling area of at least fifty (50) feet shall be providing having not greater than four percent (4%) grades.

h. Intersections – Street intersections shall generally be at right angles. No street shall intersect another at an angle of less than seventy-five (75) degrees or more than one hundred five (105) degrees.

Intersections of more than two (2) streets at one point shall be prohibited.

Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of two hundred (200) feet between their centerlines.

Minimum simple curb radii of curb or edge of pavement at street intersection shall be as follows:

<u>Intersection</u>	<u>Pavement Edge</u>
Collector with Collector	30'
Collector with Minor	25'
Minor with Minor	25'

- i. Street Construction – Streets shall be constructed in accordance with the grades and dimensions shown on the street profile and cross-section plans submitted with the Final Plan and approved by the Board of Supervisors. Street construction specifications shall be in accordance with the requirements stated in Section 507.
- j. Curbs – Curbs shall be installed along both sides of all streets. The Board of Supervisors shall have the option of waiving curbs in areas where the lot frontage exceeds one hundred (100) feet. Only the vertical type curb may be used. All curbing must be constructed of Portland Cement concrete. The construction of vertical curbs shall conform to the requirements of Section 715 Plain Cement Concrete Curb, Type A of the current Pennsylvania Department of Transportation Specifications, as amended or supplemented.
- k. Sidewalks
  - (1) All parks must provide and maintain safe, convenient, all-season pedestrian access of adequate width to all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
  - (2) Where pedestrian traffic is concentrated, and a common sidewalk system is provided, such common sidewalks shall have a minimum width of four (4) feet.
  - (3) All mobile home lots shall be connected to common sidewalks, or to streets, or to driveways or parking spaces connecting to a street. Such individual sidewalks shall have a minimum width of three (3) feet.
  - (4) All sidewalks shall be constructed to current Township specifications as stated in Section 509.
- l. Street Names and Lot Numbers – Each street within a mobile home park shall be provided with street names and street name signs in accordance with the provisions stated in Sections 510.e and 521 of this Ordinance. Lot numbers shall be displayed in an easily visible location on each mobile home in a common place on the front yard side of the mobile home at least six (6) feet above the ground.

s.712 Water Supply and Sewage Disposal

- a. Water Supply
  - (1) General Requirements – If the mobile home park can be served by the extension of an existing public water supply system of satisfactory quantity, quality and pressure on or within one thousand (1,000) feet of the proposed development, the applicant shall construct a complete water supply system for connection thereto, and its supply shall be used exclusively for mobile homes, service buildings, and

other accessory facilities as required by this Ordinance. Where a satisfactory public water supply system is not available, the development of a community water supply system shall be approved by the Pennsylvania Department of Environmental Protection or other authorities having jurisdiction.

(2) Source of Supply

- (a) The water supply shall be capable of supplying a minimum of four hundred (400) gallons per day per mobile home.
- (b) The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source and will not be constructed beneath any sewer line.
- (c) No well-casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
- (d) Water supply treatment, if necessary, shall be in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

(3) Water Storage Facilities – All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

(4) Water Distribution System

- (a) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations.
- (b) The water piping system shall not be connected with nonpotable or questionable water supplies and shall be protected against the hazards of backflow or backsiphonage.
- (c) The system shall be so designed and maintained as to provide a pressure of not less than twenty (20) pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply.

(5) Individual Water Riser Pipes and Connections

- (a) Individual water riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

- (b) The water riser pipe shall have a minimum inside diameter of three-quarter (3/4) inch and terminate at least four (4) inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.
- (c) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- (d) A shut-off valve below the frost line shall be provided near the water riser pipe on each mobile home lot. Underground stop-and-waste valves are prohibited unless their type of manufacture and their method of installation are approved.

b. Sewage Disposal

- (1) General Requirements – If the mobile home park can be served by the extension of an existing public sanitary sewer system on or within one thousand (1,000) feet of the proposed development and adequate treatment capacity is available, a complete sanitary sewage collection system must be installed and connected by the developer to the existing public sanitary sewer system. Such system shall be designed, constructed and maintained in accordance with the Pennsylvania Department of Environmental Protection and/or local health regulations. If adequate treatment capacity is not available, no connection to the existing public sanitary sewer system may be made. The development of a community sewer system shall be approved by the Pennsylvania Department of Environmental Protection or other authorities having jurisdiction.

Regardless of the proposed method of sewage disposal, all systems shall be in conformance with the Conewago Township Official Sewage Facilities Plan. On-lot sewage disposal systems are not acceptable for mobile home parks.

- (2) Individual Sewer Connections

- (a) Each mobile home lot shall be provided with at least a four (4) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand so that the sewer connection to the mobile home drain outlet will approximate a vertical position.
- (b) The sewer connection shall have a nominal inside diameter of not less than four (4) inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. All joints shall be watertight.
- (c) All materials used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.
- (d) Provisions shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away

from the riser. The rim of the riser pipe shall extend at least one-half (1/2) inch above ground elevation.

- (3) Sewer Lines – All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system.
- (4) Sewage Treatment and/or Discharge – Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the Pennsylvania Department of Environmental Protection prior to construction.

s.713 Storm Drainage Requirements

- a. The ground surface in all parts of a mobile home park shall be graded and equipped to drain surface water in a safe, efficient manner in accordance with the storm water management requirements stated in Section 515 and the land grading requirements stated in Section 516.
- b. All storm water facilities shall be kept completely separate from any sanitary sewer system.
- c. Where the construction of streets and storm sewers is such that the direction of storm water is diverted to affect surrounding properties, the applicant shall obtain sufficient drainage easements to provide adequate disposal of the storm water.

s.714 Other Utilities

- a. Electric, telephone and all other utility facilities shall be provided as necessary within the mobile home park. Such utilities shall be installed underground and maintained in accordance with the local utility company's specifications regulating such systems.
- b. Additional requirements for utilities shall be in accordance with the specifications stated in Section 517.

s.715 Electrical Distribution System

- a. General Requirements – Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems. Underground wiring is required.
- b. Power Distribution Lines – All direct burial conductors or cable shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specifically designed for the purpose. Such conductors shall be located not less than one (1) foot radial distance from water, sewer, gas or communications line.
- c. Individual Electrical Connections – Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes.

- d. Required Grounding – All exposed noncurrent-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

s.716 Service Buildings and Other Community Service Facilities

- a. Applicability – The requirements of this section shall apply to service buildings, recreational buildings and other community service facilities when constructed, such as:

- (1) Management offices, repair shops and storage area;
- (2) Laundry facilities;
- (3) Indoor recreation areas;
- (4) Commercial uses supplying essential goods or services for the exclusive use of park occupants.

- b. Structural Requirements for Buildings

- (1) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
- (2) All rooms containing laundry facilities shall:
  - (a) Have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent (10%) of the floor area served by them.
  - (b) Have at least one (1) window which can be easily opened, or a mechanical device which will adequately ventilate the room.
- (3) Toilets shall be located in separate compartments equipped with self-closing doors. Toilets shall have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.

s.717 Street Lights

Street lights shall be provided to illuminate streets, driveways, and pedestrian interior walkways for the safe movement of vehicles and pedestrians at night. Their type and location shall be shown on the plan.

s.718 Off-Street Parking Areas

- a. Three (3) paved off-street parking spaces for motor vehicles shall be provided on each mobile home lot. Required parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of two hundred (200) feet from the mobile home lot that it is intended to serve.
- b. A separate parking area for recreational vehicles shall be provided in each mobile home park.
- c. Paved off-street parking areas must also be provided to serve recreation areas, utility or service buildings, and the park office.

s.719 Required Recreation Areas or Fee

- a. In all mobile home parks a recreation area, or areas, with suitable facilities shall be maintained within the park for the use of all park residents.
- b. Land required for such recreation areas shall be not less than ten percent (10%) of the gross site area. Such land should generally be provided in a centralized location or in decentralized locations in larger mobile home parks.
- c. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located on relatively level ground.
- d. If a suitable recreation area cannot be properly provided for the park, as determined by the Board of Supervisors, a payment of a recreational purpose fee is required. Such fee shall be established by resolution of the Board of Supervisors.

s.720 Refuse Handling

The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

s.721 Insect and Rodent Control

Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation.

s.722 Fuel Supply and Storage

a. Natural Gas Systems

- (1) Natural gas piping systems when installed in mobile home parks shall be maintained in conformance with acceptable engineering practices and the rules and regulations of the authority having jurisdiction.

- (2) Each mobile home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
- b. Liquefied Petroleum Gas Systems – Liquefied Petroleum Gas Systems provided for mobile homes, service buildings or other structures when installed shall be maintained in conformance with the rules and regulations of the authority having jurisdiction.
- c. Fuel Oil Supply Systems – All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.

s.723 Fire Protection

- a. Local Regulations – The mobile home park area shall be subject to the rules and regulations of the Conewago Township fire authorities where provided. A copy of the mobile home park plan shall be provided to the appropriate fire company officials.
- b. Litter Control – Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.
- c. Fire Extinguishers – Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in public service buildings under park control, and a sufficient number shall be maintained throughout the park in readily accessible and well-defined positions.
- d. Fire Hydrants – Fire hydrants shall be installed.

s.724 Park Areas for Nonresidential Uses

- a. No part of any park shall be used for nonresidential purposes except such uses that are required for recreation, direct servicing and well-being of park residents and for the management and maintenance of the park.
- b. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on an approved mobile home lot and connected to utilities.

s.725 Responsibilities of the Park Management

- a. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair, and in clean and sanitary condition.
- b. The park management shall supervise the placement of each mobile home on its mobile home lot. This includes securing its stability and installing all utility connections.
- c. The park management shall give the Township officials free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspection.

- d. The management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.
- e. A building permit shall be obtained by the park management for all structures and mobile homes in accordance with the Conewago Township Building Permit Ordinance. Overnight campers, recreational vehicles and unoccupied mobile homes for sale are excluded from this requirement.
- f. No mobile home located in a mobile home park shall be removed from Conewago Township without first obtaining a permit from the Conewago Township Tax Collector, as required by Act No. 54, of the Pennsylvania General Assembly, Session of 1969. Such permit shall be issued upon payment of the prescribed fee and all real estate taxes assessed against the home and unpaid at the time the permit is requested.

s.726 Campgrounds and Recreational Vehicle Parks

- a. Except as expressly provided in this Section, the general provisions of Article VII pertaining to mobile home parks need not be met for recreational vehicle parks and campgrounds.
- b. Lot area density. No recreation vehicle park shall provide for more than six (6) recreation vehicles per acre exclusive of area utilized for streets and other rights-of-way and any concern areas such as laundry, lavatories, or camp offices.
- c. Stand. All recreation vehicles shall be provided a designated stand upon which to place such vehicle.
- d. Yards. Each recreation vehicle stand shall not be located closer than fifty (50) feet from any exterior lot line. No vehicle stand shall be located less than thirty (30) feet from any other vehicle stand, building, accessway, or parking area (other than that provided for the subject recreation and tow vehicles).
- e. Occupancy. Spaces for use of recreation vehicles shall be rented by the day or week only, and the occupancy of such space shall remain in the trailer park not more than one hundred eighty (180) days in any given year. The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be ten (10). Each recreation vehicle located in any recreation vehicle park shall have a current state or province registration and an appropriate inspection sticker. The owner of any recreational vehicle park shall notify the Township Secretary, in writing, of all vehicle occupancies in excess of thirty (30) days.
- f. Parking. Separate provisions shall be made for the parking of tow vehicles.

GUIDELINE FOR RULES, REGULATIONS AND AGREEMENTS  
BETWEEN MOBILE HOME PARK OPERATORS AND TENANTS

The following is a listing of minimum requirements that shall be included within a set of rules and regulations developed by each mobile home park operator to inform each prospective tenant of the park's operating policies:

- (1) Number of pets allowed and other restrictions.
- (2) Speed limits and traffic control within the park.
- (3) Rent payment provisions and sub-letting policies.
- (4) Garbage collection schedules.
- (5) Vehicular ownership and maintenance restrictions.
- (6) Responsibilities of the tenant regarding behavior, including that of children and visitors.
- (7) Policies regarding swimming pools, mobile home skirting and other lot improvements required by operator or desired by tenants.
- (8) Maintenance responsibilities of each tenant.

## ARTICLE VIII

### MINIMUM REQUIREMENTS FOR NEW CONSTRUCTION AND DEVELOPMENT WITHIN FLOODPLAIN AREAS

#### General Provisions and Definitions

s.801 Intent.

The intent of this Section is to:

- Promote the general health, welfare and safety of the community.
- Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- Minimize danger to public health by protecting water supply and natural drainage.
- Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- Comply with federal and state floodplain management requirements.

s.802 Applicability.

It shall be unlawful for any person, partnership, business or corporation to undertake or cause to be undertaken, any construction or development anywhere within the Township unless an approved Building Permit has been obtained from the Permit Officer. The Uniform Construction Code (UCC) - The statewide building code is applicable to construction.

s.803 Abrogation and Greater Restrictions.

This Ordinance supersedes any provisions currently in effect in flood-prone areas. However, any underlying ordinance shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

s.804 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

s.805 Warning and Disclaimer of Liability.

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. This ordinance does not imply that areas outside any identified flood-prone area or that land uses permitted within such areas will be free from flooding or flood damages.

s.806 Municipal Liability.

This Section shall not create liability on the part of Conewago Township or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

s.807 Definitions.

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Section its most reasonable application.

**ACCESSORY USE OR STRUCTURE** – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

**BASEMENT** – means any area of the building having its floor below ground level on all sides.

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

**COMPLETELY DRY SPACE** – a space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

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

**ESSENTIALLY DRY SPACE** – a space which will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

**FLOOD** – a temporary inundation of normally dry land areas.

**FLOODPLAIN AREA** – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**FLOODPROOFING** – any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** – the designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude.

**HISTORIC STRUCTURE** – any structure that is:

- (i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (1) By an approved state program as determined by the Secretary of the Interior or
- (2) Directly by the Secretary of the Interior in states without approved programs.

**IDENTIFIED FLOODPLAIN AREA** – the floodplain area specifically identified in this Ordinance as being inundated by the one hundred (100) year flood.

**LAND DEVELOPMENT** – Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (ii) 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.
- (2) A subdivision of land.

**LOWEST FLOOR** – the lowest floor of the lowest enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

**MINOR REPAIR** – the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

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

**MOBILE HOME PARK OR SUBDIVISION** – A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two (2) or more mobile home lots for nontransient use, whether operated for or without compensation.

**NEW CONSTRUCTION** – structures for which the start of construction commenced on or after March 17, 1980, and includes any subsequent improvements thereto.

**OBSTRUCTION** – any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or flood-prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

**ONE HUNDRED YEAR FLOOD** – a flood that, on the average, is likely to occur once every one hundred (100) years. (i.e. that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

**PERSON** – an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**RECREATIONAL VEHICLE** – a vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOOD ELEVATION** – the one hundred (100) year flood elevation plus a freeboard safety factor on one and one-half (1-1/2) feet.

**STRUCTURE** – anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

**SUBDIVISION** – the division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building, or lot development; provided however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

**SUBSTANTIAL ADDITIONS TO MOBILE HOME PARKS** – any repair, reconstruction, or improvement of an existing mobile home park or mobile home subdivision, where such repair, reconstruction, or improvement of the streets, utilities, and pads will equal or exceed 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement is started.

**SUBSTANTIAL DAMAGE** – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage regardless of the actual repair work performed. The term does not, however include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
- (2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

UNIFORM CONSTRUCTION CODE (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

## ADMINISTRATION

### s.808 Building Permits Required

Building permits shall be required before any construction, reconstruction, enlargement, alteration or relocation of any building or structure or development is undertaken.

### s.809 Issuance of Permit.

- A. The permit officer shall issue a Building Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this part and all other applicable codes and ordinances.
- B. Prior to the issuance of any zoning permit, the Building Permit Officer shall review the application for the permit to determine if all other necessary government permits required by State and Federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U. S. Clean Water Act, Section 404,33,U.S.C. 1344. No permit shall be issued until this determination has been made.
- C. No encroachment, alteration, or improvement of any kind shall be made to any water course until all adjacent municipalities which may be affected by such action have been notified by the township and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.

In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified by the township prior to any alteration or relocation of any watercourse.

s.810 Application Procedures.

- A. Application for such a permit shall be made, in writing, to the permit officer on forms supplied by the Township. Such application shall contain at least the following:
- Name and address of applicant.
  - Name and address of owner of land on which proposed construction is to occur.
  - Name and address of contractor.
  - Site location
  - Proposed lowest floor and basement elevations in relation to mean sea level.
  - Brief description of proposed work and estimated cost.
  - A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- B. If any proposed construction or development is entirely or partially within any identified floodplain area, applicants for Building Permits shall provide all the necessary information in sufficient detail and clarity to enable the Building Permit Officer to determine that:
- (a) all such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  - (b) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
  - (c) adequate drainage is provided so as to reduce exposure to flood hazards.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Building Permit Officer to make the above determination:
1. A completed Building Permit Application Form.
  2. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - (a) north arrow, scale, and date;
    - (b) topographic contour lines, if available;
    - (c) all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
    - (d) the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
    - (e) the location of all existing streets, drives, and other access ways; and
    - (f) the location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  3. Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:

- (a) the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
- (b) the elevation of the one hundred (100) year flood;
- (c) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
- (d) detailed information concerning any proposed flood proofing measures.
- (e) supplemental information as may be necessary under 34 PA Code, Chapter 401-405 as amended, and Sec.1612.5.1, Section 104.7 and 109.3 of the 2003 IBC and Section R106.1.3 and R104.7 of the 2003 IRC.

4. The following data and documentation:

- (a) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
- (b) detailed information needed to determine compliance with Section 827, Storage, and Section 829, Development Which May Endanger Human Life, including:
  - i) the amount, location and purpose of any materials or substances referred to in Sections 827 and 829 which are intended to be used, produced, stored or otherwise maintained on site.
  - ii) a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 829 during a one hundred (100) year flood.
- (c) the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
- (d) where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.

s.811 Review by County Conservation District

A copy of all applications and plans for any proposed construction or development in any identified floodplain area to be considered for approval, requiring an erosion and sediment control plan, shall be submitted by the Building Permit Officer to the County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Building Permit officer for possible incorporation into the proposed plan.

s.812 Review of Application by Others

A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Building Permit

Officer to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

s.813 Changes

After the issuance of a building permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer. Requests for any such change shall be in writing, and shall be submitted by the applicant to Building Permit Officer for consideration.

s.814 Placards

In addition to the building permit, the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit the date of its issuance and be signed by the Building Permit Officer.

s.815 Start of Construction

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Building Permit Officer. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request.

s.816 Inspection and Revocation

- A. During the construction period, the Building Permit Officer or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
- B. In the discharge of his duties, the Building Permit Officer shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
- C. In the event the Building Permit Officer discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Building Permit Officer shall revoke the building permit and report such fact to the Conewago Township Board of Supervisors for whatever action it considers necessary.
- D. A record of all such inspections and violations of this ordinance shall be maintained.

- E. The requirements of the 34 PA Code Chapter 401-405 and the IBC (Sections 109.3.3, 1612.5.1, 104.7 and 103.8) and the 2003 IRC (R106.1.3, 109.1.3 and R104.7) or latest revisions thereof pertaining to elevation certificates and record retention shall be considered.

s.817 Fees

Applications for a building permit shall be accompanied by a fee, payable to the municipality based upon the current fee schedule resolution.

s.818 Enforcement

A. Notices

Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.

B. Penalties

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500) plus all court costs, including reasonable judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was not such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5<sup>th</sup>) 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. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Township. The imposition of a fine or penalty for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance

with this Ordinance may be declared by the Board to be a public nuisance and abatable as such.

s.819 Appeals

- A. Any person aggrieved by any action or decision of the Building Permit Officer concerning the administration of the provisions of this Ordinance, may appeal to the Conewago Township Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Building Permit Officer.
- B. Upon receipt of such appeal the Conewago Township Board of Supervisors shall set a time and place, within not less than ten (10) nor more than thirty (30) days, for the purpose of considering the appeal. Written notice of the time and place at which the appeal will be considered shall be given to all parties.
- C. Any person aggrieved by any decision of the Board may seek relief there from by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

s.820 Identification Of Floodplain Areas

The identified floodplain area shall be any areas of Conewago Township, subject to the one hundred (100) year flood, which is identified as Zone A (Area of Special Flood Hazard) in the Flood Insurance Study (FIS) dated September 25, 2009 and the accompanying Flood Insurance Rate Maps (FIRMs) or the most recent revision thereof as issued by the Federal Emergency Management Agency. Including all digital data developed as part of the Flood Insurance Study.

s.821 Description of Floodplain Areas

The identified floodplain area shall consist of the following specific areas:

- A. FW (Floodway Area) - the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
- B. FF (Flood-Fringe Area) - the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
- C. FA (General Floodplain Area) - the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area which is

nearest the construction site in question. In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

s.822 Changes in Identification of Area

The identified floodplain area may be revised or modified by the Conewago Township Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA).

s.823 Boundary Disputes

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township Planning Commission and any party aggrieved by this decision or determination may appeal to the Conewago Township Board of Supervisors. The burden of proof shall be on the appellant.

#### TECHNICAL PROVISIONS

s.824 General Technical Provisions

- A. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office. In addition, the Federal Emergency Management Agency and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
- B. Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

s.825 Special Requirements for FW, FE and FA Areas

- A. With any FW (Floodway Area), the following provisions apply:
  - Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
  - No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
- B. Within any or FA (General Floodplain Area), the following provisions apply:

- No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- Any new construction or development, which would cause any increase in flood heights shall be prohibited within any floodway area.

s.826 Elevation and Flood proofing Requirements

- A. Residential Structures within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2003 IBC (Sec. 1612.4, 1603.1.6 and 3403.1) and in the 2003 IRC (Sec. R323.1.4, R323.2.1, and R323.2.2) and ASCE 24 (Sec. 2.4 and 2.5, Chap. 5) and 34 PA Code (Chapters 401-405 as amended) shall be utilized. (Or latest revisions thereof)
- B. Non-residential Structures
1. Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
  2. Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 ½) feet above the one hundred (100) year flood elevation, elevation, shall be flood proofed in a completely or essentially dry manner in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
  3. The design and construction standards and specifications contained in the IBC (Sec. 1603.1.2, 1603.1.6, 1605.2.2, 1606.5, 1612.5.1 and 3403.1. and ASCE 24 (Secs. 2.4 and Chap. 7) and 34 PA Code (Chapters 401-405 as amended) shall be utilized. (Or latest revisions thereof)
- C. Space below the lowest floor.
1. Fully enclosed space below the lowest floor (including basement) is prohibited.
  2. Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls.

The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:

- a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
  - b. the bottom of all openings shall be no higher than one (1) foot above grade.
  - c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
3. Consideration may be given to the requirements of 34 PA Code (Chapters 401-405 as amended) and the 2003 IRC (Secs.R323.2.2 and R323.1.4) and the 2003 IBC (Secs. 1612.4, 1612.5, 1202.3.2 and 1203.3.3. (Or latest revisions thereof)

D. Accessory structures

Structures accessory to a principal building need not be elevated or flood proofed to remain dry, but shall comply, at a minimum, with the following requirements:

1. the structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
2. floor area shall not exceed 600 square feet.
3. the structure will have a low damage potential.
4. the structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
5. power lines, wiring, and outlets will be at least one and one-half (1 ½) feet above the 100 year flood elevation.
6. permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
7. sanitary facilities are prohibited.
8. the structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
  - a. a minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.

- b. the bottom of all openings shall be no higher than one (1) foot above grade.
- c. openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

s.827 Design and Construction Standards

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

A. Fill

If fill is used, it shall:

- extend laterally at least fifteen (15) feet beyond the building line from all points;
- consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
- be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
- be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Building Permit Officer; and,
- be used to the extent to which it does not adversely affect adjacent properties. The provisions contained in the 2003 IBC (Sec. 1801.1 and 1803.4) shall be utilized. (Or latest revisions thereof)

B. Drainage Facilities

Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties. The provisions contained in the 2003 IBC (Appendix G401.5) shall be utilized. (Or latest revisions thereof)

C. Water and Sanitary Sewer Facilities and Systems

1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
3. No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for

such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.

4. The design and construction provisions of the UCC and 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Appendix G. Secs. 401.3 and 401.4), the 2003 IRC (Sec. 323.1.6), the ASCE 24-98 (Sec. 8.3), FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code (Chapter 3) shall be utilized. (Or latest revisions thereof)

D. Other Utilities

All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.

E. Streets

The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

F. Storage

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 829, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

G. Placement of Buildings and Structures

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

H. Anchoring

1. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
2. All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
3. The design and construction requirements of the UCC pertaining to this subsection as referred to in 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs. 1605.2.2, 1605.3.1.2, 1612.4 and Appendix G501.3), the IRC (Secs. R301.1 & R323.1.1) and ASCE 24-98 (Sec. 5.6) shall be utilized. (Or latest revisions thereof)

I. Floors, Walls and Ceilings

1. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
2. Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
4. Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.
5. The provisions of the UCC pertaining to this subsection and referenced in the 34 PA Code (Chapters 401-405 as amended) and contained in the 2003 IBC (Secs. 801.1.3, 1403.2, 1403.4, 1403.6 and 1404.2), the 2003 IRC (Secs. R323.1.7 & R501.3) and ASCE 24-98 (Chapter 6). (Or latest revisions thereof)

J. Paints and Adhesives

1. Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
2. Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
3. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
4. The standards and specifications contained in 34 PA Code (Chapters 401-405, as amended) the 2003 IBC (Secs. 801.1.3, 1403.7 and Appendix G) and the 2003 IRC (Secs. R323.1.7). (Or latest revisions thereof)

K. Electrical Components

1. Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
2. Separate electrical circuits shall serve lower levels and shall be dropped from above.
3. The provisions pertaining to the above provisions and referenced in the UCC and 34 PA Code (Chapters 401-405) as amended and contained in the 2003 IBC (Sec. 1612.4), the IRC (Sec. R323.1.5), the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized. (Or latest revisions thereof)

L. Equipment

1. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
2. The provisions pertaining to the above provision and referenced in the UCC and 34 PA Code (Chapters 401-405), as amended and contained in the 2003 IBC (Sec. 1612.4), the 2003 IRC (Secs. R323.1.5) the 2000 IFGC (Secs. R301.5 and R1601.3.8) and ASCE 24 (Chapter 8) shall be utilized (Or latest revisions Thereof)

M. Fuel Supply Systems

All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

s.828. Uniform Construction Code Coordination

The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.

International Building Code (IBC) 2003 or the latest edition thereof:  
Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.

International Residential Building Code (IRC) 2003 or the latest edition thereof:  
Secs. R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

s.829 Development Which May Endanger Human Life

- A. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which:
- will be used for the production or storage of any of the following dangerous materials or substances; or,
  - will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
  - will involve the production, storage, or use of any amount of radioactive substances; Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

- B. Within any FW (Floodway Area), any structure of the kind described in Subsection A., above, shall be prohibited.
- C. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:
1. elevated or designed and constructed to remain completely dry up to at least one and one-half (1 ½) feet above the one hundred (100) year flood and,
  2. designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood proofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

s.830 Special Requirements for Mobile Homes

- A. Within any FW (Floodway Area), mobile homes shall be prohibited.
- B. Within any FA (General Floodplain Area) mobile homes shall be prohibited within the area measured fifty (50) feet landward from the top of-bank of any watercourse.
- C. Where permitted within any floodplain area, all mobile homes, and any improvements thereto, shall be:

1. placed on a permanent foundation.
2. elevated so that the lowest floor of the mobile home is one and one half (1 ½) feet or more above the elevation of the one hundred (100) year flood.
3. anchored to resist flotation, collapse, or lateral movement.
4. Installation of mobile homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2003 International Residential Building Code or the U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405 or the most recent revisions thereto.
5. Consideration shall be given to the installation requirements of the 2003 IBC (Appendix G, Sec. 501.1-3) and the 2003 IRC (Sec. R323.2, R323.3, R102.7.1, and Appendix AE101, 604 and 605) or the most recent revisions thereto and 34 PA Code Chapter 401-405, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the units(s) proposed installation.

s.831 Prohibited Activities

In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area:

- A. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
  1. hospitals
  2. nursing homes
  3. jails or prisons
- B. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

s.832 Existing Structures in Floodplain Areas

The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 833 shall apply.

s.833 Improvements

The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- A. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
- B. No expansion or enlargement of an existing structure shall be allowed within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- C. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance. The above activity shall also address the requirements of the 34 PA Code Chapters 401-405, as amended and the 2003 IBC (Sec. 3402.1 and 1612.4) and the 2003 IRC (Sec. 323.1.4).
- D. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.
- E. The requirements of 34 PA Code Chapter 401-405, as amended and the 2003 IRC (Secs. R102.7.1, R105.3.1 and Appendices E and J) or the latest revision thereof and the 2003 IBC (Secs. 101.3, 3403.1 and Appendix G) or the latest revision thereof shall also be utilized in conjunction with the provisions of this section.

s.834 Variances

If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

s.835 Variance Procedures and Conditions

Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 819 and the following:

- A. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- B. No variance shall be granted for any construction, development, use, or activity within any FE area that would, together with all other existing and anticipated development, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- C. Except for a possible modification of the one and one half (1 ½) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to Development Which May Endanger Human Life (Section 829).
- D. If granted, a variance shall involve only the least modification necessary to provide relief.

- E. In granting any variance, the Township shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- F. Whenever a variance is granted, the Township shall notify the applicant in writing that:
  - 1. The granting of the variance may result in increased premium rates for flood insurance.
  - 2. Such variances may increase the risks to life and property.
- G. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
  - 1. That there is good and sufficient cause.
  - 2. That failure to grant the variance would result in exceptional hardship to the applicant.
  - 3. That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- H. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.

Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

## ARTICLE IX

### ADMINISTRATION AND ENACTMENT

#### s.901 Enforcement

It shall be the duty of the Board of Supervisors or the duly authorized representative of the Board of Supervisors to enforce the provisions of this Ordinance. The Enforcement Officer shall require that the application for a building permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved land development. No building permit shall be issued until the Enforcement Officer has certified that the site for the proposed building, alteration, or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plan.

#### s.902 Modifications

The regulations embodied in this Ordinance are the minimum standards for the protection of the public welfare. When special circumstances warrant, the Township may impose stricter standards.

Where a provision of this Ordinance would cause unique and undue hardship as it applies to a particular property, or if a developer shows that an alternative proposal will allow for equal or better results, the Board of Supervisors may grant a modification from the strict application of the terms of this Ordinance if the variation will not be detrimental to the general welfare, nullify the objectives of these regulations or conflict with the Comprehensive Plan. In granting the modification the Board of Supervisors may impose conditions which will substantially secure compliance with the purposes of this Ordinance. Requests for modifications shall be made in writing and submitted to the Secretary with copies of the Plan.

The Township Planning Commission shall have the right to recommend to the Board of Supervisors modifications to the regulations in individual cases as may be necessary in the public interest, provided, however, that such modifications and the specific reasons for such change shall be entered in the minutes of the Planning Commission and a copy of this entry shall be transmitted to the Board of Supervisors. The Board of Supervisors may then alter the land development plans and specify changes or modifications therein, which it deems necessary and make its approval subject to such alterations, changes or modifications. If approved by the Board of Supervisors, said modifications shall be clearly defined and entered on the Final Plan and signed by the Board of Supervisors.

#### s.903 Amendments

The Board of Supervisors may on its own motion, or upon recommendation of the Planning Commission amend, supplement or repeal any portion of this Ordinance. Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice. In addition, in case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

s.904 Lots of Record

On a lot held in single and separate ownership on the effective date of this Ordinance, or any amendment thereto, which does not fulfill the regulations for the minimum lot area and/or lot width, a building may be erected, altered and used providing the setback requirements are not less than the minimum required and a sewage permit may be obtained.

s.905 Fees

The Board of Supervisors shall by resolution create a schedule of filing fees to be paid by the applicant at the time of Plan submission to defray the cost of administering and processing of Plans. Filing shall be required for the following:

- a. Preliminary Plan
- b. Final Plan
- c. Land Development Plan
- d. Mobile Home Park Permit
- e. York County Planning Commission
- f. Recording Fee

In addition to such filing fees, the developer shall pay the cost of:

- Reviewing the land development plan and engineering details.
- Inspecting the site for conformance to survey.
- Preparing cost estimates of required improvements during installation.
- Inspection of required improvements during installation.
- Final inspection for completion of installation of required improvements.
- Legal services necessary for the processing of the land development plan.
- Any tapping fees and/or connection charge for connection to a municipal water system.
- Any tapping fees and/or any required charge for reservation of sewage capacity in a municipal sewage system.

These costs will be billed to the developer by the Township upon completion of each review phase. No building permits shall be issued nor shall subdivision or land development plans be approved for any tract of land for which fees as outlined are outstanding.

s.906. Preventive Remedies.

- A. In addition to other remedies, the municipality 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.
- B. A municipality 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 any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:
  - 1. The owner of record at the time of such violation.
  - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the municipality 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.

s.907. Jurisdiction. District justices shall have initial jurisdiction in proceedings brought under Section 908.

s.908. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the 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.

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

s.909 Municipal Liability

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

s.910 Repealer

The existing Subdivision and Land Development Ordinance, enacted and ordained by the Board of Supervisors on **April 6, 1987**, and entitled “Conewago Township Subdivision and Land Development Ordinance”, and all supplements and amendments thereto, are hereby repealed. Provided, however, if the present Ordinance is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then and in that event, the Conewago Township Subdivision and Land Development Ordinance, of **April 6, 1987**, together with its supplements and amendments, would necessarily remain in full force and effect.

s.911 Interpretation

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail.

s.912 Severability Clause

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this Ordinance.

s.913 Erroneous Permit

A building permit or other permit or authorization issued or approved in violation of the provisions of this Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Township purporting to validate such a violation.

s.914 Effective Date

This Ordinance shall take effect after publication of adoption according to law.

Adopted by the Board of Supervisors of Conewago Township, York County, Pennsylvania and enacted and ordained into an ordinance the 2<sup>nd</sup>. day of March, 2010.

Board of Supervisors  
Conewago Township  
York County, Pennsylvania

By: \_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Secretary