

# **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF MANHEIM TOWNSHIP 1998**



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**DECEMBER 14, 1998, as amended**

# SUBDIVISION AND LAND DEVELOPMENT

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**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
OF  
MANHEIM TOWNSHIP - 1998**

**AN ORDINANCE ESTABLISHING RULES, REGULATIONS  
AND STANDARDS, GOVERNING THE DEVELOPMENT  
AND SUBDIVISION OF LAND WITHIN THE TOWNSHIP  
OF MANHEIM, SETTING FORTH THE PROCEDURES TO  
BE FOLLOWED BY THE OFFICIALS OF THE TOWNSHIP  
IN APPLYING AND ADMINISTERING THESE RULES,  
REGULATIONS AND STANDARDS AND PROVIDING  
PENALTIES FOR THE VIOLATION THEREOF.**

**BE AND HEREBY ORDAINED AND ENACTED** by the Board of Commissioners of Manheim Township, Lancaster County, Pennsylvania as follows:

**ARTICLE I.           GENERAL PROVISIONS**

**SECTION 101.        STATUTORY AUTHORITY**

The Board of COMMISSIONERS of Manheim TOWNSHIP, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, hereby enacts and ordains this ORDINANCE governing SUBDIVISION and LAND DEVELOPMENTS within the limits of Manheim TOWNSHIP.

**SECTION 102.        TITLE**

This ORDINANCE shall be known and may be cited as "The SUBDIVISION and LAND DEVELOPMENT ORDINANCE of Manheim TOWNSHIP 1998, as amended".

**SECTION 103.        PURPOSE**

This ORDINANCE is adopted for the following purposes:

1.     To assist in the orderly, efficient and integrated DEVELOPMENT of land in accordance with the Manheim TOWNSHIP COMPREHENSIVE PLAN, as amended, ("COMPREHENSIVE PLAN").
2.     To promote safe and adequate travel and transportation facilities and controls.
3.     To ensure coordination and conformance of SUBDIVISION and LAND DEVELOPMENT PLANS with the PUBLIC IMPROVEMENTS plans of the TOWNSHIP.

4. To provide the proper extension of community services and facilities at minimum cost and maximum convenience.
5. To ensure equitable handling of all SUBDIVISION and LAND DEVELOPMENT PLANS by providing uniform standards and procedures.
6. To promote the general health, safety and welfare of the residents of the TOWNSHIP.
7. Control accelerated RUNOFF and EROSION and sedimentation problems at their source by regulating activities which cause such problems.
8. Utilize and preserve the desirable existing natural drainage systems within the TOWNSHIP.
9. Encourage recharge of groundwaters.
10. Maintain the existing flows and quality of WATERCOURSES in the TOWNSHIP and the Commonwealth.
11. Preserve and restore the FLOOD carrying capacity of WATERCOURSES.
12. Provide for proper maintenance of all permanent storm water management facilities which are constructed in the TOWNSHIP.
13. In the interest of public health, safety, and welfare, the regulations of this ORDINANCE are designed and intended to protect FLOODPLAIN AREAS subject to and necessary for FLOOD waters, to permit and encourage the retention of open land uses so located and utilized and to guide incompatible DEVELOPMENT into more appropriate zoning districts.
14. To regulate uses, activities, and DEVELOPMENT which, acting alone or in combination with other existing or future uses, activities, and DEVELOPMENT, will cause unacceptable increases in FLOOD heights, velocities and frequencies.
15. To restrict or prohibit certain uses, activities, and DEVELOPMENT from locating within AREAS subject to FLOODING.
16. To require all those uses, activities, and DEVELOPMENTS that do occur in FLOOD-prone AREAS to be protected and/or FLOODPROOFED against FLOODING and FLOOD damage.
17. To protect individuals from buying lands and STRUCTURES which are unsuited for intended purposes because of FLOOD hazards.

**SECTION 104. JURISDICTION**

1. In order that the actions of the Board of COMMISSIONERS under this SUBDIVISION and LAND DEVELOPMENT ORDINANCE may be correlated with all relevant data and procedures, the Board of COMMISSIONERS hereby designates the PLANNING COMMISSION as the reviewing agency of the TOWNSHIP:
  - A. To which all applications relating to either sketch, preliminary or final approval of SUBDIVISION and LAND DEVELOPMENT PLANS shall be initially submitted
  - B. With which APPLICANTS shall hold all preliminary consultations relating to the plans;
  - C. Which shall make recommendations to the Board of COMMISSIONERS concerning approval, disapproval, MODIFICATION and conditions of approval of such plans; and
  - D. Which shall make recommendations to the Board of COMMISSIONERS concerning the interpretation of and the granting of MODIFICATION to provisions and standards of this ORDINANCE.
2. Without limitation of the foregoing, applications for preliminary or final approval of SUBDIVISION and LAND DEVELOPMENT PLANS shall be initially submitted to the TOWNSHIP Manager for processing and scheduling on behalf of the TOWNSHIP Commission, and the TOWNSHIP Manager or the Manager's designee shall be available, as administrative designees of the PLANNING COMMISSION, for preliminary consultations relating to such plans.
3. The Board of COMMISSIONERS has jurisdiction to take final action on all SUBDIVISION and LAND DEVELOPMENT PLANS.

**SECTION 105. PLANNED RESIDENTIAL DEVELOPMENTS**

In case of any DEVELOPMENT governed by the PLANNED RESIDENTIAL DEVELOPMENT provisions of the Manheim TOWNSHIP Zoning ORDINANCE, the applicable provisions of this ORDINANCE shall be as modified by such PLANNED RESIDENTIAL DEVELOPMENT provisions and procedures which shall be followed in the approval of any plan and the rights and duties thereto shall be governed by the provisions of such PLANNED RESIDENTIAL DEVELOPMENT provisions.

**ARTICLE II.           ADMINISTRATION**

**SECTION 201.       GENERAL REQUIREMENTS**

1. No person proposing a SUBDIVISION or LAND DEVELOPMENT shall proceed with any grading or IMPROVEMENTS until the FINAL PLAN application is APPROVED by the Board of COMMISSIONERS.
2. No person proposing a SUBDIVISION shall sell, transfer, lease or otherwise convey a LOT, parcel or tract in a SUBDIVISION, or construct or commence the CONSTRUCTION of any BUILDING in a SUBDIVISION, until the FINAL PLAN application of the proposed SUBDIVISION is APPROVED by the Board of COMMISSIONERS and recorded in accordance with the provisions of this ORDINANCE.
3. All REPORTS shall be deemed recommendatory and advisory only, and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any REPORT used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the APPLICANT and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.
4. Every APPLICANT shall have the burden to comply with this ORDINANCE for every APPLICATION FOR DEVELOPMENT. The TOWNSHIP shall provide every APPLICANT with any initial REPORT concerning compliance with the ORDINANCE. Failure of any APPLICANT to comply with discrepancies after the issuance of the initial REPORT shall be reason for denial of the APPLICATION FOR DEVELOPMENT.
5. The official filing date for all applications for DEVELOPMENT shall be the date of the regular PLANNING COMMISSION meeting next following the date the complete APPLICATION FOR DEVELOPMENT including payment of the applicable filing fee is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the APPLICATION FOR DEVELOPMENT, the official filing date shall be the thirtieth (30th) day following the day the complete APPLICATION FOR DEVELOPMENT is filed.

**SECTION 202.       COMPLIANCE REQUIRED**

1. No SUBDIVISION, LAND DEVELOPMENT or 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 the public use or travel, or for the common use of occupants of BUILDINGS abutting thereon, except in accordance with the provisions of this ORDINANCE.



**SECTION 203. MODIFICATIONS**

1. The provisions of this ORDINANCE are the minimum standards for the protection of the public welfare.
2. If any mandatory provision of this ORDINANCE is shown by the APPLICANT, to the satisfaction of the Board of COMMISSIONERS at a scheduled public meeting, to be unreasonable and to cause unique and undue hardship as it applies to his proposed SUBDIVISION or LAND DEVELOPMENT, the Board of COMMISSIONERS, upon obtaining the comments and recommendations of the PLANNING COMMISSION, may grant a MODIFICATION or waiver in writing to such APPLICANT of such mandatory provision, so that substantial justice may be done and the public interest secured; provided that such MODIFICATION will not have the effect of nullifying the intent and purpose of this ORDINANCE.
3. All requests for a MODIFICATION or waiver shall be in writing and shall accompany and be a part of the APPLICATION FOR DEVELOPMENT. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ORDINANCE involved and the minimum MODIFICATION necessary.
4. The Board of COMMISSIONERS shall keep a written record of all action on all MODIFICATION or waiver requests.
5. In granting MODIFICATIONS, the Board of COMMISSIONERS may impose conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.

**SECTION 204. INTERPRETATION**

1. In the interpretation and application of this ORDINANCE, the provisions shall be held to be minimum requirements, adopted for the promotion of health, safety, and general welfare.
2. Whenever there is a difference between the minimum applicable standards specified herein and those included in other applicable TOWNSHIP ordinances, rule regulations, the most restrictive provision or that provision imposing the higher standard, shall govern.

3. Whenever there is a difference between the minimum applicable standards specified herein and the requirements of deed restrictions, covenants or other agreements running with the land to which the TOWNSHIP is a party or requirements of notes or conditions upon approval of a prior SUBDIVISION or LAND DEVELOPMENT of the tract which is subject of the present application, the most restrictive requirement, or that requirement imposing the higher standard shall govern.
4. The provisions of this ORDINANCE shall not adversely affect an application for approval of a preliminary or FINAL PLAN which is duly filed with the TOWNSHIP and is pending action at the time of the effective date of this ORDINANCE, in which case the APPLICANT shall be entitled to a decision in accordance with the provisions of the governing ORDINANCES or plans as they at the time the application was duly filed. When a preliminary application has been duly APPROVED, the APPLICANT shall be entitled to final approval in accordance with the terms of the APPROVED preliminary application; however, if an application is properly and finally denied, any subsequent application shall be subject to the provisions of this ORDINANCE.
5. When a plan has received preliminary or FINAL PLAN approval prior to the effective date of this ORDINANCE, no provision of this ORDINANCE shall be applied to adversely affect the right of the APPLICANT to commence and to complete any aspect of the APPROVED DEVELOPMENT, including application for final approval, in accordance with the terms of such approval within five (5) years from the date of such preliminary or FINAL PLAN approval. In case of any doubt as to the terms of a preliminary or FINAL PLAN approval, the terms shall be construed in the light of the provisions of the governing ORDINANCE or plans as they stood at the time when the application for such approval was duly filed. The Board of COMMISSIONERS may grant an extension to the five (5) year period if it determines that the plan as APPROVED prior to this ORDINANCE will not have an adverse affect on the adjoining properties and that a hardship would be created if redesign is required.
6. The review or approval of a SUBDIVISION or LAND DEVELOPMENT by the TOWNSHIP in accordance with the provisions of this ORDINANCE shall not constitute liability upon the TOWNSHIP, its officials, or employees.

## **SECTION 205. AMENDMENTS**

1. The Board of COMMISSIONERS may, from time to time, amend this ORDINANCE by appropriate action taken at scheduled public meeting, but before voting on the enactment of such amendment, the Board of COMMISSIONERS shall hold a PUBLIC HEARING thereon pursuant to PUBLIC NOTICE. At least thirty (30) days prior to the hearing on the amendment, the TOWNSHIP shall submit the proposed amendment to the

COUNTY PLANNING COMMISSION for recommendation.

2. The PUBLIC NOTICE shall state the time and place of the hearing and shall include a brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the TOWNSHIP where copies of the proposed amendment may be secured or examined. Such notice shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the TOWNSHIP. The first publication shall be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. If the full text is not included, a copy thereof shall be filed in the County Law Library (or other County office designated by the County COMMISSIONERS)
3. In the case of a proposed amendment other than that prepared by the PLANNING COMMISSION, the Board of COMMISSIONERS 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.
4. Upon approval and enactment of an amendment to this ORDINANCE, a certified copy of such amendment shall be filed with the Lancaster COUNTY PLANNING COMMISSION within thirty (30) days of adoption.

**ARTICLE III.        TERMINOLOGY** (Amended by Ordinance 2012-17, dated 11/26/12)

**SECTION 301.        WORD USAGE**

Unless otherwise stated, the following words and phrases shall be interpreted and construed throughout this ORDINANCE to have the meaning herein indicated. Terms not herein defined which are defined in the STORMWATER MANAGEMENT ORDINANCE or Zoning ORDINANCE shall have the meanings assigned in such ORDINANCE. Terms not defined in this ORDINANCE or in such other ORDINANCES shall have the meaning customarily assigned to them as found in the most recent edition of Webster's New Collegiate Dictionary.

The following rules of CONSTRUCTION and interpretation shall be used in this ORDINANCE.

1.        Words in the present tense may imply the future tense.
2.        Words used in singular imply the plural, and the plural shall include the singular.
3.        The masculine gender includes the feminine and the neuter genders.
4.        The word "person" includes a partnership, firm, association, corporation, organization, trust, estate, company or any other legally recognized entity as well as an individual and the officers of any corporation and the members of any partnership and shall include both singular and plural.
5.        The word "shall" or "must" is to be interpreted as mandatory; the word "may" is discretionary.
6.        References to codes, ORDINANCES, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, ORDINANCES, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the TOWNSHIP or the Commonwealth of Pennsylvania as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.

**SECTION 302.        DEFINITIONS**

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

ACCELERATED EROSION. The removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.

ACCESS. A way or means of approach for vehicle and/or pedestrian traffic from a STREET, RIGHT-OF-WAY, public AREA or community facility, to a LOT.

ACCESS DRIVE. A private drive providing pedestrian and vehicular ACCESS between a public or PRIVATE STREET and a parking AREA(s) within a LAND DEVELOPMENT and any

DRIVEWAY servicing two or more units of occupancy on a single LOT or contiguous LOTS. The ACCESS DRIVE is not intended to include any portion of the travel lane abutting parking AREAS (See also STREET).

ACCESSORY BUILDING. A detached subordinate BUILDING, the use of which is customarily incidental and subordinate to that of the PRINCIPAL BUILDING, and which is located on the same LOT as that occupied by the PRINCIPAL BUILDING.

ACT. The FLOODPLAIN Management ACT, ACT No. 166, October 4, 1978, P.L. 851, as amended and supplemented, and all regulations promulgated thereunder.

ADT. Average Daily Trip.

AGRICULTURE. The tilling of the soil, the raising of crops, forestry, horticulture, and gardening, including the keeping or raising of livestock and poultry, and including sale of crops and agricultural, dairy and horticultural farm products incidental to the operation of a farm.

ALLEY. A minor RIGHT-OF-WAY, privately owned, primarily for secondary means of ACCESS to the rear or sides of properties.

APPLICANT. A LANDOWNER or DEVELOPER, as hereinafter defined, who has filed an APPLICATION FOR DEVELOPMENT, including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT. Every application, whether preliminary or final, required to be filed and APPROVED prior to start of CONSTRUCTION or DEVELOPMENT including but not limited to, an application for a BUILDING PERMIT, for the approval of a SUBDIVISION PLAT or plan or for the approval of a DEVELOPMENT PLAN. Every APPLICATION FOR DEVELOPMENT must include the form designated by the TOWNSHIP and all other plans and information required by this ORDINANCE.

APPROVED. APPROVED by the recognized authoritative agency or official as specified in the respective regulations.

AREA. The extent of surface contained within the boundaries or extremities of land or BUILDING.

AUTHORITY. The General Municipal AUTHORITY of the TOWNSHIP of Manheim and any successor thereto.

BASEMENT. Any AREA of the BUILDING having its floor subgrade (below ground level) on all sides.

BICYCLE LANE. A lane at the edge of a roadway reserved and marked for the exclusive use of bicycles.

BIKE PATH. A pathway that is exclusively used by bicyclists, where a separate, parallel path is

provided for pedestrians and other wheeled users. Most pathways are shared between bicyclists and other users. See non-motorized paths. (Added by Ordinance 2012-17, dated 11/26/12)

BIKEWAY. A pathway or lane designed to be used by bicyclists.

BLOCK. A tract of land bounded by three (3) or more STREETS.

BUILDING. Any STRUCTURE used for a residence, business, industry, or other public or private purpose, or accessory thereto, and including porches, greenhouses, stables, garages, roadside stands, MOBILEHOMES and similar STRUCTURES, whether stationary or movable, but excluding fences and walls which are part of the landscaping, signs and awnings.

BUILDING PERMIT.

A. The permit required for:

- (1) The erection, CONSTRUCTION, placement, reconstruction, alteration, replacement, restoration, or conversion of any STRUCTURE or BUILDING or;
- (2) A change of use;
- (3) Percentage of use or extension or displacement of the use of any STRUCTURE or BUILDING.

B. The term BUILDING PERMIT, as used herein, shall not be deemed to include permits required for remodeling, rehabilitation or other IMPROVEMENTS to an existing STRUCTURE, rebuilding a damaged or destroyed STRUCTURE, or a change in use provided there is no increase in gross FLOOR AREA or number of DWELLING units resulting therefrom.

BUILDING SETBACK LINE. A line defining the minimum required distance within a LOT from, and parallel to a STREET RIGHT-OF-WAY line and side rear LOT lines which designates the minimum location of future BUILDINGS and STRUCTURES.

CARTWAY. The surface of a STREET, ACCESS DRIVE or ALLEY available for vehicular traffic.

CERTIFICATE OF USE AND OCCUPANCY. A certificate issued by the TOWNSHIP upon completion of the CONSTRUCTION of a new BUILDING or upon a change or conversion of the STRUCTURE or use of a BUILDING, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements have been complied with.

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

COMMISSIONERS. The Board of COMMISSIONERS of Manheim TOWNSHIP, Lancaster

County, Pennsylvania.

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 a DEVELOPMENT, not including STREET, off-STREET parking AREAS, and AREAS set aside for public facilities.

COMPREHENSIVE PLAN. The COMPREHENSIVE PLAN for Manheim TOWNSHIP, March 2010, and any amendments thereto, indicating the general locations recommended for circulation facilities, community IMPROVEMENTS and land uses. (Amended by Ordinance 2012-17, dated 11/26/12)

CONDITIONAL USE. A use permitted in a particular zoning district based upon the location of that use within the district and upon compliance with specific conditions and criteria.

CONSTRUCTION. The CONSTRUCTION, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a BUILDING or STRUCTURE, including the placement of MOBILE HOMES.

COUNTY PLANNING COMMISSION. The Lancaster COUNTY PLANNING COMMISSION.

CROSSWALK. A RIGHT-OF-WAY, privately or publicly owned, intended to furnish ACCESS for pedestrians.

DENSITY. The proportionate amount of land allocated for each DWELLING unit of permitted use.

DETENTION BASIN. A basin designed to drain completely after retarding storm water RUNOFF by temporarily storing the RUNOFF and releasing it at a predetermined rate.

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, or other activities covered by this ORDINANCE.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including but not limited to BUILDINGS or other STRUCTURES, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DEVELOPMENT PLAN. The provisions for DEVELOPMENT, including a PLANNED RESIDENTIAL DEVELOPMENT, a PLAT of SUBDIVISION, all covenants relating to use, location and bulk of BUILDINGS and other STRUCTURES, intensity of use or DENSITY of DEVELOPMENT, STREETS, ways and parking facilities, COMMON OPEN SPACE and public facilities.

DOUBLE FRONTAGE LOT. A LOT with front and rear STREET frontage with possible vehicular ACCESS to both STREETS.

DRIPLINE. The line marking the outer edges of the branches of a TREE.

DRIVEWAY. A private drive providing ACCESS between a public or PRIVATE STREET or ACCESS DRIVE and a parking AREA for a single unit of occupancy.

DWELLING.

- A. BUILDING permanently erected on and attached to a foundation, having a fixed location on the ground, and used for residential occupancy, which BUILDING when so erected and attached, shall, in the normal frame of reference, be immobile. Hospitals, hotels, boarding, rooming and lodging houses, institutional homes, motels, tourist courts, and the like, offering overnight accommodations for guests or patients, shall not be considered DWELLINGS within the meaning of this ORDINANCE.
- B. In addition, in order to qualify as a DWELLING, all of following standards and conditions must be complied with:
- (1) The foundation for the DWELLING shall be an entire perimeter wall, either of concrete or masonry CONSTRUCTION, extending from below the frost line to the underside of the DWELLING;
  - (2) The DWELLING must be attached to the foundation wall by anchor bolts or similar attachments APPROVED by the TOWNSHIP as contrasted with the mere setting of the DWELLING unit on the foundation wall system;
  - (3) In the event the DWELLING formerly was a MOBILEHOME as defined herein, the entire running gear, as contrasted with just the wheels, must be removed, and;
  - (4) Any towing hitch must be removed from the DWELLING.

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

ENGINEER. A professional ENGINEER registered in the Commonwealth of Pennsylvania.

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

FEMA. The United States Federal Emergency Management Agency.

FILL. Material placed or deposited so as to form an embankment or raise the surface elevation of the land, including but not limited to levees, bulkheads, dikes, jetties, embankments, and causeways.



FINANCIAL SECURITY. Security posted by a DEVELOPER in accordance with Article V of the MUNICIPALITIES PLANNING CODE and Article V of the ORDINANCE by which a DEVELOPER assures the CONSTRUCTION of IMPROVEMENTS required by this ORDINANCE.

FLOOD, FLOODED, OR FLOODING. A partial or complete inundation of normally dry land AREAS from the overflow of a WATERCOURSE or other body of surface water, or from the unusual and rapid accumulation or RUNOFF of surface waters from any source.

FLOOD OF RECORD. The FLOOD which has reached the highest FLOOD elevation above MEAN SEA LEVEL at a particular location.

FLOODPLAIN. An AREA of land adjacent to the CHANNEL of a WATERCOURSE which has been or is likely to be FLOODED, or any AREA subject to the unusual and rapid accumulation or RUNOFF of surface waters from any source, or as defined by FEMA.

FLOODPROOF, FLOODPROOFED, OR FLOODPROOFING. Any combination of structural and/or nonstructural provisions, additions, changes or adjustments to STRUCTURES or contents which are designed or adapted primarily to reduce or eliminate FLOOD damage to those STRUCTURES or contents.

FLOOR AREA. The maximum amount of usable space within a BUILDING.

GRADE. A reference plane representing the average of finished ground level adjoining the BUILDING at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the AREA between the BUILDING and the LOT line or, when the LOT line is more than 6 feet (1829 mm) from the BUILDING, between the BUILDING and a point 6 feet (1829 mm) from the BUILDING.

GREENWAYS. Linear Corridors of OPEN SPACE which generally correspond to or link major river or stream corridors (including adjoining FLOODPLAIN, RIPARIAN BUFFERS, and steep slope areas), old railways or ridge tops, and are intended to function as part of an integrated system or network for a variety of purposes, including protecting natural, cultural and scenic resources, providing recreational benefits, enhancing the quality of life in neighborhoods, and stimulating economic development opportunities. The base Trail & Greenway System for Manheim Township is shown on the Trail & Greenway System Map, dated November 2, 2011 and is part of the Manheim Township Comprehensive Recreation, Park, Greenways and Open Space Plan. (Added by Ordinance 2012-17, dated 11/26/12)

GROUNDWATER RECHARGE. Replenishment of existing natural underground water supplies.

IMPERVIOUS SURFACE. A surface which prevents the percolation of water into the ground.

IMPROVEMENTS. Those physical additions and changes to the land that may be necessary to produce usable and desirable DEVELOPMENT.

ITE. Institution of Transportation ENGINEERS.

LAND DEVELOPMENT.

- A. The IMPROVEMENTS of one LOT or two or more contiguous LOTS, tracts or parcels of land for any purpose involving:
- (1) 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
  - (2) 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.
- B. A SUBDIVISION of land.
- C. DEVELOPMENT in accordance with the following shall be excluded from LAND DEVELOPMENT procedure:
- (1) The conversion of an existing single-family detached DWELLING or single family semi-detached DWELLING into not more than three residential units, unless such units are intended to be a condominium;
  - (2) The addition of an ACCESSORY BUILDING, including farm BUILDINGS, on a LOT or LOTS subordinate to an existing PRINCIPAL BUILDING; or
  - (3) The addition or conversion of BUILDINGS or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this ORDINANCE, an amusement park is defined as a tract or AREA used principally as a location for permanent amusement STRUCTURES or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded AREA have been APPROVED by proper AUTHORITIES.

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

LANDSCAPE ARCHITECT. A LANDSCAPE ARCHITECT registered by the Commonwealth of Pennsylvania.

LEVEL OF SERVICE. A qualitative measure describing operational conditions within a traffic stream, generally described in terms of such factors as speed and travel time, freedom to

maneuver, traffic interruptions, comfort and convenience, and safety.

LINEAR PARK AND TRAIL GREENWAYS (LINKAGES). AREAS set aside for recreational activities like walking, biking and horseback riding. These greenways usually follow the path of a natural feature such as a stream or mountain or a manmade feature such as an abandoned railroad bed or roadway.

LINEAR TRAIL. A NON-MOTORIZED pathway, separated from the road, designed for recreational activities like walking, biking and horseback riding. See NON-MOTORIZED PATH. (Added by Ordinance 2012-17, dated 11/26/12)

LOT. A parcel of land held in single and separate ownership, occupied or capable of being occupied by BUILDINGS, STRUCTURES, ACCESSORY BUILDINGS or STRUCTURES, signs, and uses customarily incidental to it, including such OPEN SPACES as are required, and which is described by reference to a recorded PLAT or by metes and bounds.

LOT AREA. The AREA contained within the property lines of the individual parcels of land.

LOT COVERAGE. A percentage which when multiplied by the LOT AREA will determine the permitted LOT AREA to be covered.

LOT SIZE. The required AREA of a LOT.

MEAN SEA LEVEL. The average height of the sea for all stages of the tide, using the National Geodetic Vertical Datum of 1929.

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

MODIFICATION. A change, an alteration or amendment which introduces new elements into the details, or cancels some of them, but leaves the general purpose and effect of the subject-matter intact.

MULTI-USE PATH. A pathway usually separated from the roadway, designed specifically to satisfy the physical requirements of bicycling.

MUNICIPAL ENGINEER. A professional ENGINEER licensed as such in the Commonwealth of Pennsylvania, duly appointed as the ENGINEER for the TOWNSHIP of Manheim. (See TOWNSHIP ENGINEER).

MUNICIPALITIES PLANNING CODE. The Pennsylvania MUNICIPALITIES PLANNING CODE, ACT of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. §10101 et seq.

MUNICIPALITY. Manheim TOWNSHIP, Lancaster County, Pennsylvania.

NON-MOTORIZED PATH. A path intended for use by pedestrian and bicyclist, but not by any motorized vehicles. It is a path that runs parallel to the STREET but is separated from it. (Amended by Ordinance 2012-17, dated 11/26/12)

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, refuse, FILL, STRUCTURE, or other matter in, along across or projecting into any CHANNEL, WATERCOURSE, or FLOODPLAIN, which may impede, retard, or change the direction of the flow of water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.

OPEN SPACE. Any parcel or AREA of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such OPEN SPACE.

ORDINANCE. The Manheim TOWNSHIP SUBDIVISION and LAND DEVELOPMENT ORDINANCE.

PENNDOT. The Pennsylvania Department of Transportation, or any agency successor thereto.

PARKING LOT. An OPEN SPACE other than a public or PRIVATE STREET exclusively for parking of vehicles.

PETROLEUM PRODUCT. Oil or petroleum of any kind and in any form, including crude oil and derivatives or crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PIPE. An enclosed water carrying STRUCTURE of one or more barrels having a total flow AREA equivalent to 48-inch diameter or less.

PLAN, FINAL. A complete and exact SUBDIVISION or LAND DEVELOPMENT PLAN prepared for official recording as required by statute: a FINAL PLAN/PLAT. A FINAL PLAN application is duly filed as of the date of submission provided the application is deemed complete.

PLAN, PRELIMINARY. A tentative SUBDIVISION or LAND DEVELOPMENT PLAN, in lessor detail than the FINAL PLAN, indicating the approximate proposed layout of a SUBDIVISION or LAND DEVELOPMENT as a basis for consideration prior to preparation of the FINAL PLAN(s): a PRELIMINARY PLAN/PLAT. A PRELIMINARY PLAN application is duly filed as of the date of submission provided the application is deemed complete.

PLAN, SKETCH. A plan of a SUBDIVISION or LAND DEVELOPMENT showing the tentative STREET and LOT layout, to be used for informal discussion with the PLANNING COMMISSION/Staff prior to preparation of the preliminary and/or FINAL PLAN(s).

PLANNED RESIDENTIAL DEVELOPMENT. An AREA of land, controlled by a LANDOWNER, to be developed as a single entity for a number of DWELLING units or a combination of residential and non-residential uses, the DEVELOPMENT PLAN for which does not correspond in LOT size, bulk, or type of DWELLING or use, DENSITY, or intensity, LOT COVERAGE and required OPEN SPACE to the regulations established in any one residential district created, from time to time, under the provisions of the TOWNSHIP Zoning ORDINANCE.

PLANNING COMMISSION. The Manheim TOWNSHIP PLANNING COMMISSION.

PLANNING COMMISSION STAFF. The technical staff of the Manheim TOWNSHIP PLANNING COMMISSION.

PLAT. The map or plan of a SUBDIVISION or LAND DEVELOPMENT, whether preliminary or final.

PRINCIPAL BUILDING OR STRUCTURE. A BUILDING or STRUCTURE in which is conducted the PRINCIPAL USE of the LOT on which the BUILDING or STRUCTURE is located.

PRINCIPAL USE. The primary or main use of a BUILDING, STRUCTURE or LOT.

PROFESSIONAL LAND SURVEYOR. A SURVEYOR registered in the Commonwealth of Pennsylvania.

PROJECT SITE. An AREA of land under DEVELOPMENT and within the jurisdiction of this ORDINANCE.

PUBLIC HEARING. A formal meeting held pursuant to PUBLIC NOTICE by the Board of COMMISSIONERS, intended to inform and obtain public comment, prior to taking action in accordance with the TOWNSHIP provisions.

PUBLIC IMPROVEMENTS. All roads, STREETS, sidewalks, gutters, curbs, waterlines, sewers, STORMWATER MANAGEMENT FACILITIES, WALKWAYS and other facilities to be dedicated to or maintained by the TOWNSHIP or a public entity for which plans and specifications must comply with the Manheim TOWNSHIP IMPROVEMENTS Specifications Manual.

PUBLIC NOTICE. Notice published once each week for two successive weeks in a newspaper of general circulation in the TOWNSHIP. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

PUBLIC SEWER. A system of providing sanitary sewage collection and treatment which is owned and/or operated by the AUTHORITY, or any other MUNICIPALITY or public

**AUTHORITY.**

**PUBLIC WATER.** A system of providing potable water which is owned and/or operated by Manheim TOWNSHIP and/or the AUTHORITY or any other MUNICIPALITY or public AUTHORITY.

**REPORT.** Any letter, review, memorandum, compilation or similar writing made by anybody, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such REPORT in the rendering of any decision or determination.

**RETENTION BASIN.** A basin designed to retain storm water RUNOFF with its primary release of water being through the infiltration of said water into the ground.

**REVERSE FRONTAGE LOT.** A LOT extending between and having frontage on two (2) STREETS with vehicular ACCESS solely from the STREET of lower classification.

**RIGHT-OF-WAY.** The total width of any land reserved or dedicated as a STREET, ALLEY, pedestrian way, or for other public or private use.

**RIPARIAN BUFFER.** Undisturbed riparian land adjacent to a natural WATERCOURSE and other bodies of water for the purpose of stabilizing banks, filtering pollutants from runoff and for providing habitat for a variety of wildlife. This is not intended to include man-made swales, infiltration beds, or detention or retention facilities utilized solely for stormwater management from the project site. (Added by Ordinance 2012-17, dated 11/26/12)

**RUNOFF.** That part of precipitation which flows over the land.

**SCREEN.** A STRUCTURE or planting of fencing, berms, and/or evergreen TREES or shrubs providing a continuous view OBSTRUCTION within a site or property.

**SEDIMENT.** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

**SEDIMENT BASIN.** A barrier, dam, retention or detention basin designed to retain SEDIMENT.

**SIGHT TRIANGLE.** A triangle shaped portion of land established at STREET intersection on which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

**SOIL SURVEY.** The latest published version of the United States Department of Agriculture's Soil Survey for Lancaster County, Pennsylvania.

**SPECIAL EXCEPTION.** A use to be permitted or denied, by the Manheim TOWNSHIP Zoning Hearing Board, in a particular zoning district pursuant to expressed standards and criteria.

**STORM SEWER.** A system of PIPES, conduits, SWALES or other similar STRUCTURES

including appurtenant works which carries intercepted RUNOFF, and other drainage, but excludes domestic sewage and industrial waste.

STORMWATER. Drainage RUNOFF from the surface of the land resulting from precipitation or snow or ice melt.

STORMWATER MANAGEMENT. A program of controls and measures designed to regulate the quantity and quality of storm water RUNOFF from a DEVELOPMENT while promoting the protection and conservation of ground waters and GROUNDWATER RECHARGE.

STORMWATER MANAGEMENT FACILITIES. Those controls and measures used to effect a storm water management program.

STREET. A strip of land, including the entire RIGHT-OF-WAY, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing ACCESS to abutting properties, which may also be used to provide space for sewer, public utilities, shade TREES, and sidewalks.

STREET, ARTERIAL. A STREET whose primary function is to serve comparatively high volumes of through traffic at speeds higher than desirable on collector and local STREETS.

STREET, CUL-DE-SAC. A local STREET intersecting another STREET at one end and terminating at the other in a vehicular turnaround.

STREET LINE. The limit of a STREET RIGHT-OF-WAY.

STREET LOCAL. A STREET used primarily to provide ACCESS to abutting properties.

STREET, COLLECTOR. A STREET which provides ACCESS to abutting properties and for inter-community travel, connecting borough and unincorporated population centers, and carrying large volumes of traffic to the ARTERIAL STREET system.

STREET, PRIVATE. A STREET not offered for dedication or whose dedication was not accepted by the TOWNSHIP.

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

SUBDIVIDER. (See DEVELOPER)

SUBDIVISION. The division or redivision of a LOT, tract, or parcel of land by any means into two or more LOTS, tracts, parcels or other divisions or land, including changes in existing LOT lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or BUILDING or LOT DEVELOPMENT; provided, however that the SUBDIVISION by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new STREET or EASEMENT or ACCESS or any residential DWELLING, shall be exempt.

SUBSTANTIAL IMPROVEMENT.

- A. Any repair, reconstruction or improvement of a STRUCTURE, the cost of which equals or exceeds fifty (50) percent of the fair market value of the STRUCTURE either:
- (1) Before the improvement or repair is started or;
  - (2) If the STRUCTURE has been damaged, and is being restored, before the damage occurred.
- B. For purposes of this definition, "SUBSTANTIAL IMPROVEMENT" is considered to occur upon commencement of the first alteration of any wall, ceiling, floor or other structural part of a STRUCTURE, whether or not that alteration affects the external dimensions of the STRUCTURE.

SUBSTANTIALLY COMPLETED. In the judgment of the MUNICIPAL ENGINEER, at least 90% (based on the cost of the required IMPROVEMENTS for which FINANCIAL SECURITY was posted pursuant to Section 509) of those IMPROVEMENTS required as a condition for final approval have been completed in accordance with the APPROVED plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR. A SURVEYOR registered in the Commonwealth of Pennsylvania.

SWALE. A wide shallow ditch which carries surface water RUNOFF.

TOWNSHIP. The TOWNSHIP of Manheim, Lancaster County, Pennsylvania.

TOWNSHIP ENGINEER. A duly registered professional ENGINEER, licensed as such in the Commonwealth of Pennsylvania, employed by the TOWNSHIP or engaged as a consultant thereto and appointed as the ENGINEER for the TOWNSHIP of Manheim.

TOWNSHIP SECRETARY. The Secretary of the Board of COMMISSIONERS of Manheim TOWNSHIP, Lancaster County, Pennsylvania.

TREE. Any woody plant that has a single trunk with a caliper of one and one-half (1-1/2) inches at six (6) inches above ground level.

TREE PROTECTION ZONE. An AREA that is radial to the trunk of a TREE in which no CONSTRUCTION activity can occur. The TREE PROTECTION ZONE shall be fifteen (15) feet from the trunk of the TREE to be retained, or the distance from the trunk to the DRIPLINE, whichever is greater. Where there is a group of TREES or woodlands, the TREE PROTECTION ZONE shall be the aggregate of the protection zones for the individual TREES.

UTILITY FACILITY. Any facility, equipment, or STRUCTURE necessary to conduct a service



by a government, public or private utility.

WALKWAY. A paved pedestrian path which is not aligned with vehicular circulation patterns, but which is located on a LOT along proposed or existing pedestrian patterns. (Amended by Ordinance 2012-17, dated 11/26/12)

WATERCOURSE. A permanent or intermittent stream, river, brook, run, creek, CHANNEL, SWALE, pond, lake or other body of surface water, carrying or holding surface water, whether natural or artificial.

WETLANDS. Those AREAS that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar AREAS.

**ARTICLE IV.        SKETCH PLAN**

**SECTION 401.        APPLICATION PROCEDURE**

1. For the purpose of expediting applications, APPLICANTS are encouraged to discuss possible DEVELOPMENT with the TOWNSHIP Manager and/or the Manager's designees, prior to submission of the PRELIMINARY PLAN application, at a pre-application conference. Such pre-application conferences are not mandatory. The purpose of this conference is to:
  - A. Acquaint the APPLICANT with the substantive and procedural requirements of this ORDINANCE;
  - B. Provide for an exchange of information regarding the proposed DEVELOPMENT PLAN and applicable elements of the Manheim TOWNSHIP COMPREHENSIVE PLAN, Manheim TOWNSHIP Zoning ORDINANCE, Manheim TOWNSHIP STORMWATER ORDINANCE, Manheim TOWNSHIP FLOODPLAIN ORDINANCE, Manheim TOWNSHIP Parks and Recreation Plan, Manheim TOWNSHIP Comprehensive Traffic Study and other requirements of the TOWNSHIP.
  - C. Advise the APPLICANT of any public sources of information that may aid the application;
  - D. Identify policies and regulations that create opportunities or pose significant constraints for the proposed DEVELOPMENT;
  - E. Review any proposed SKETCH PLANS and consider opportunities to increase TOWNSHIP benefits and mitigate undesirable project consequences, and
  - F. Permit input into the project.
2. If desired by the APPLICANT and at the option of the APPLICANT, a SKETCH PLAN may be prepared and presented for review and discussion at the time of any such preliminary consultations. If the APPLICANT chooses to submit a SKETCH PLAN, ten (10) copies of the SKETCH PLAN should be submitted to the PLANNING COMMISSION which should include those items listed in Section 402. of this ORDINANCE.
3. Submission of a SKETCH PLAN, being at the option of the APPLICANT, shall not constitute the filing of a preliminary or FINAL PLAN application for any purpose of this ORDINANCE.

**SECTION 402. APPLICATION REQUIREMENTS**

1. The SKETCH PLAN of a proposed SUBDIVISION or LAND DEVELOPMENT should be drawn to a scale of one inch equals twenty feet (1"=20'), or a scale of one inch equals fifty feet (1"=50') or a scale of one inch equals thirty feet (1"=30') or a scale of one inch equals forty feet (1"=40'), except if the SUBDIVISION or LAND DEVELOPMENT contains more than two hundred (200) acres, the plan may be drawn to a scale of one inch equals two hundred feet (1"=200').
2. The SKETCH PLAN should contain at least the following information but not necessarily show precise dimensions:
  - A. Tract boundary and adjacent LANDOWNERS;
  - B. Location of the DEVELOPMENT within the TOWNSHIP and any other MUNICIPALITY;
  - C. North point, scale and date;
  - D. STREETS on and adjacent to the tract;
  - E. Significant topographical and physical features;
  - F. Proposed general STREET layout;
  - G. Proposed general LOT layout and relationship of uses including; but not limited to BUILDINGS, COMMON OPEN SPACE, off-STREET PARKING LOTS and other STRUCTURES;
  - H. Proposed land uses, intensity or DENSITY of each use proposed and the location of each use;
  - I. In the case of a LAND DEVELOPMENT PLAN, the proposed location and size of all BUILDINGS, parking compounds, and other planned features.
  - J. A written statement of a qualified professional concerning the feasibility of proposals for sewer, water, and STORMWATER MANAGEMENT, but not to include drawings.
  - K. Any other information that may be a benefit to the TOWNSHIP in reviewing the application.
3. No application shall be considered complete without the payment of the required filing fee.

Should be #3 & #4

Should be #5

**ARTICLE V.            PRELIMINARY PLAN**

**SECTION 501.        APPLICATION PROCEDURE**

1.     The PRELIMINARY PLAN application shall be submitted for all SUBDIVISIONS and/or LAND DEVELOPMENTS, as defined by Section 302. of this ORDINANCE. Such application shall be APPROVED prior to consideration of the FINAL PLAN application. In the case of a LAND DEVELOPMENT PLAN involving not more than one (1) PRINCIPAL BUILDING on not more than one (1) recorded LOT, the Board of COMMISSIONERS may waive the requirement that a PRELIMINARY PLAN application be submitted and APPROVED prior to consideration of the FINAL PLAN application.
  
2.     The PRELIMINARY PLAN application and all information and procedures relating thereto shall, in all respects, be in compliance with the applicable provisions of this ORDINANCE. It is the responsibility of the APPLICANT to coordinate all requirements pursuant to the provisions of this ORDINANCE with respective private and public service agencies.
  
3.     Eight (8) copies of the PRELIMINARY PLAN application, including the PRELIMINARY PLAN, all supporting information required in Section 502. of this ORDINANCE, and an 11 x 17 copy of the site plan and a filing fee shall be submitted to the TOWNSHIP Manager. The TOWNSHIP Manager shall submit all applications to the PLANNING COMMISSION and the TOWNSHIP ENGINEER for their review and recommendations to the Board of COMMISSIONERS.
  - A.     In the event the APPLICANT disputes the amount of any such review fees, the APPLICANT shall, within ten days of the billing date, notify Manheim TOWNSHIP that such fees are disputed, in which case the TOWNSHIP shall not delay or disapprove a SUBDIVISION or LAND DEVELOPMENT application due to the APPLICANT'S request over disputed fees.
  
  - B.     In the event that Manheim TOWNSHIP and the APPLICANT cannot agree on the amount of review fees which are reasonable and necessary, then the APPLICANT and Manheim TOWNSHIP shall follow the procedure for dispute resolution set forth in Section 503. of the MUNICIPALITIES PLANNING CODE.
  
4.     A PRELIMINARY PLAN application shall be accompanied by all required plans and documents and the required filing fee. No application shall be considered complete without the payment of the required filing fee. The TOWNSHIP Manager and/or Manager's designees shall have seven (7) days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all the information required by this ORDINANCE, thereby establishing the official filing date, or incomplete and rejected. Within said time, the TOWNSHIP shall notify the APPLICANT in writing that the PRELIMINARY PLAN application is essentially complete and accepted including the official filing date and date

of review by the PLANNING COMMISSION, if applicable, or that the preliminary application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The APPLICANT can reapply, submitting the fee and missing material at any time.

5. Failure of the TOWNSHIP to make a determination of acceptance/rejection shall result in deemed acceptance of the PRELIMINARY PLAN application for processing. However, deemed acceptance for processing shall not constitute a waiver of any deficiencies in the PRELIMINARY PLAN application or approval of the PRELIMINARY PLAN application.
6. In addition to submitting the required material in accordance with Subsection 3 of this Section, the APPLICANT shall file with the Lancaster COUNTY PLANNING COMMISSION the required number of copies of plans and supporting information including a filing fee, as determined by the County. The Board of COMMISSIONERS will not approve the PRELIMINARY PLAN application until the Board receives County review comments or until the expiration of thirty (30) days from the date the application was forwarded.
7. In general, the PLANNING COMMISSION will schedule the PRELIMINARY PLAN application for action at its regular meeting which is at least twenty-one (21) calendar days following the filing of the application by the APPLICANT. The TOWNSHIP ENGINEER shall also submit a REPORT to the PLANNING COMMISSION for action at the meeting scheduled by the PLANNING COMMISSION to review that particular application.
8. The PLANNING COMMISSION will discuss the PRELIMINARY PLAN application with the APPLICANT or his agent at its regular meeting and will review the application to determine if it meets the standards set forth in this ORDINANCE. The PRELIMINARY PLAN application shall then be submitted by the PLANNING COMMISSION, together with its analysis and recommendations, to the Board of COMMISSIONERS for consideration.
9. Any ACT or recommendation of the PLANNING COMMISSION which involves engineering consideration may be subject to review and comment by the TOWNSHIP ENGINEER, whose comments shall be incorporated and separately set forth with the analysis and recommendations of the PLANNING COMMISSION to the Board of COMMISSIONERS.
10. All applications for approval of a plan shall be acted upon by the Board of COMMISSIONERS which shall render its decision and communicate it to the APPLICANT not later than ninety (90) days from the official filing date as established in accordance with Section 201.5 of this ORDINANCE the date of the regular meeting of the Board of COMMISSIONERS or the PLANNING COMMISSIONERS (whichever first reviews the application) next following the date the application is filed.

- A. The decision of the Board of COMMISSIONERS 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;
- B. When the APPLICANT is not APPROVED in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the ORDINANCE relied upon;
- C. Failure of the Board of COMMISSIONERS to render a decision and communicate it to the APPLICANT within the time and in the manner required herein shall be deemed an approval of the application in terms as presented, unless the APPLICANT has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision; in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- D. The APPLICANT must notify the Board of COMMISSIONERS in writing, within thirty (30) days from the receipt of the plan review, indicating acceptance or rejection of any conditions of approval. If the APPLICANT fails to notify the Board of COMMISSIONERS of either the acceptance or rejection of such conditions or rejection of any conditions within such time period, the approval of the plan will be automatically rescinded.
- E. From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this ORDINANCE and while such application is pending approval or disapproval, no change or amendment of the zoning, SUBDIVISION or other governing ORDINANCE or plan shall affect the decision on such application adversely to the APPLICANT, and the APPLICANT shall be entitled to a decision in accordance with the provisions of the governing ORDINANCE or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly APPROVED, the APPLICANT shall be entitled to final approval in accordance with the terms of the APPROVED preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval 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 or other governing ORDINANCE or plan shall be applied to effect adversely the right of the APPLICANT 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 case of any doubt as to the terms of preliminary approval, the terms

shall be construed in the light of provisions of the governing ORDINANCES or plans as they stood at the time when the application for such approval was duly filed.

- F. Where the LANDOWNER has SUBSTANTIALLY COMPLETED the required IMPROVEMENTS as depicted upon the FINAL PLAN within the aforesaid five-year limit, or any extension thereof as may be granted by the Board of COMMISSIONERS no change of municipal ORDINANCES or plan enacted subsequent to the date of filing of the PRELIMINARY PLAN shall modify or revoke any aspect of the APPROVED FINAL PLAN pertaining to zoning classification or DENSITY, LOT, BUILDING, STREET or utility location.
- G. In the case of a PRELIMINARY PLAN calling for the installation of IMPROVEMENTS beyond the five (5) year period, a schedule shall be filed by the LANDOWNER with the PRELIMINARY PLAN delineating all proposed sections as well as deadlines within which applications for FINAL PLAN approval of each section are intended to be filed. Such schedules shall be updated annually by APPLICANT on or before the anniversary of the PRELIMINARY PLAN approval, until FINAL PLAN approval of the final section has been granted and any MODIFICATION in the aforesaid schedule shall be subject to approval of the Board of COMMISSIONERS in its discretion.
- H. Each section in any residential SUBDIVISION or LAND DEVELOPMENT, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of DWELLING units as depicted on the PRELIMINARY PLAN, unless a lesser percentage is APPROVED by the Board of COMMISSIONERS in its discretion. Provided the LANDOWNER has not defaulted with regard to or violated any of the conditions of the PRELIMINARY PLAN approval, including compliance with LANDOWNER'S aforesaid schedule of submission of FINAL PLANS for the various sections, then the aforesaid protections afforded by substantially completing the IMPROVEMENTS depicted upon the FINAL PLAN within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required IMPROVEMENTS have not been SUBSTANTIALLY COMPLETED within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of FINAL PLAN approval for each section.
- I. Failure of LANDOWNER to adhere to the aforesaid schedule of submission of FINAL PLANS for the various sections shall subject any such section to any and all changes in zoning, SUBDIVISION and other governing ORDINANCES enacted by the MUNICIPALITY subsequent to the date of the initial PRELIMINARY PLAN submission.

11. Approval of the PRELIMINARY PLAN application shall constitute approval of the DEVELOPMENT as to the character and intensity of DEVELOPMENT, the arrangement and approximate dimension of STREETS, LOTS, and other planned features, but shall not authorize the sale of LOTS, the lease of land, BUILDINGS or portions of BUILDINGS, or the DEVELOPMENT of land.
12. Multiple Applications. The resources of the TOWNSHIP and the orderly administration of this ORDINANCE are unduly burdened by multiple and conflicting applications. Therefore, the same APPLICANT may not submit multiple applications for approval of a SUBDIVISION or LAND DEVELOPMENT PLAN for the same property or a portion thereof involving the same land use. If an APPLICANT desires to submit a new application, then the APPLICANT must withdraw in writing any pending applications. In the event the APPLICANT fails or refuses to withdraw any pending applications, the Board of COMMISSIONERS may deny the new application due to noncompliance with this section.

## **SECTION 502. APPLICATION REQUIREMENTS**

1. The copies of all plans submitted with the application for PRELIMINARY PLAN approval can be either black and white or blue and white prints. The sheet sizes shall be no smaller than 18" x 22" and no larger than 30" x 42", provided that the plan for recording is drawn to scale and is no larger than 24" x 36".
2. The PRELIMINARY PLAN shall be at a scale of twenty (20) feet, thirty (30) feet, forty (40) feet or fifty (50) feet to the inch. If the PRELIMINARY PLAN is drawn in two or more sections, a key map showing the location of the several sections shall be placed on each sheet. The plan shall show the following information and shall conform to any other specifications, documents, codes, or regulations adopted by the TOWNSHIP COMMISSIONERS:
  - A. Proposed SUBDIVISION or LAND DEVELOPMENT name or identifying title and the location of the SUBDIVISION or LAND DEVELOPMENT in the TOWNSHIP and any other MUNICIPALITY.
  - B. Name and address of the LANDOWNER of the tract or of the authorized agent, if any, and of the DEVELOPER.
  - C. North point, written scale, graphic scale, plan date, and dates of all revisions to the plan.
  - D. Total acreage of the tract, number of LOTS or DWELLING units and net DENSITY.
  - E. Proposed land uses and AREA for residential and non-residential uses.



- F. Schedule of zoning district requirements, including AREA and bulk regulations, DENSITY, LOT COVERAGE, IMPERVIOUS SURFACE, BUILDING and yard requirements.
- G. A location map of the DEVELOPMENT at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all STREETS and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided or developed.
- H. Tract boundaries showing distances and bearings, however, when a LANDOWNER retains a single LOT with a LOT AREA in excess of the largest LOT of the SUBDIVISION, the boundary of that LOT may be identified as deed plotting and shall be drawn at a minimum scale of one inch equals four hundred feet (1"=400').
- I. Contours of existing elevations at intervals of two (2) feet. In AREAS of slopes greater than fifteen percent (15%), five (5) foot contour intervals may be used; location of bench mark and datum used. United States Geodetic Surveys are not acceptable. Differentials between U.S.G.S. (e.g. Manheim TOWNSHIP Sanitary Sewer System datum, Lancaster AREA Sewer AUTHORITY datum, or Lancaster Sewer AUTHORITY datum) shall be made note of on the submitted plan.
- J. Contours and elevations for items required as IMPROVEMENTS of the plan, including but not limited to existing and proposed STREET profiles, sanitary sewer extensions, storm drainage systems, and all known IMPROVEMENTS requiring GRADE, profile, and elevation documentation.
- K. Soil types and soil classifications as indicated by the United States Department of AGRICULTURE SOIL SURVEY of Lancaster County.
- L. The names of all owners of all immediately adjacent undeveloped land; the names of all proposed or existing DEVELOPMENTS immediately adjacent, and the locations and dimensions of any STREETS or EASEMENTS shown thereon; the names, locations and dimensions of all existing STREETS, railroads, PUBLIC SEWERS, PUBLIC WATER mains and feeder lines, fire hydrants, gas, electric, and oil transmission lines, storm drains, WETLANDS, WATERCOURSES, one hundred (100) year FLOOD plain, and other significant features on or within two hundred (200) feet of any part of the property proposed to be developed and the location of all BUILDINGS approximate location of all TREE masses within the property.
- M. The location and width of any STREETS or public ways or places shown upon an adopted TOWNSHIP or County plan, if such exists for the AREA to be subdivided or developed.

- N. The full plan of the DEVELOPMENT, showing the location of all proposed and existing STREETS, fire hydrants, parks, playgrounds, and other public AREAS; proposed connection BUILDING SETBACK LINES for each STREET; proposed LOT lines and approximate dimensions of LOTS; LOT numbers and/or BLOCK numbers in consecutive order; BUILDING locations, PRIVATE STREETS and parking compounds in relation to LAND DEVELOPMENTS; and all STREETS and other AREAS designed for appurtenant facilities, public use, or proposed to be dedicated or reserved for public use, together with the conditions of such dedications or reservations. Location of existing and proposed EASEMENTS, including widths, ownership and purposes.
- O. The size, material, and approximate location of any proposed capped sewers permitted by the Pennsylvania Department of Environmental Protection, any on-LOT lateral main sewer system, sewers, sewage facilities as well as capped water lines and proposed connections with existing facilities.
- P. The size, material and approximate location of any proposed individual, community or PUBLIC WATER supply facilities, and proposed connections with existing facilities, as well as capped water lines and proposed connections with existing facilities.
- Q. Storm water management control measures and devices (temporary and permanent), and RUNOFF calculations for the proposed project in conformance with Manheim TOWNSHIP STORMWATER MANAGEMENT ORDINANCE.
- R. Proposed STREET names.
- S. Typical STREET cross sections for each proposed and existing STREET shown on the PRELIMINARY PLAN.
- T. A bench mark shall be placed on an existing frost proof STRUCTURE, said STRUCTURE and structural elevation to remain as part of required IMPROVEMENTS plan, or if said STRUCTURE does not exist, bench mark shall be placed on a newly installed frost proof monument as described in Section 807.3. of this ORDINANCE.
- U. Seal of the registered professional ENGINEER, PROFESSIONAL LAND SURVEYOR or registered LANDSCAPE ARCHITECT who prepared the plan.
- V. RIGHT-OF-WAY dimensions and locations for all utilities.
- W. The location of all TREES and/or woodlands on the site and the location of TREES and/or woodlands to be removed and TREES and/or woodlands to remain.

- X. List of any variances, SPECIAL EXCEPTIONS and/or CONDITIONAL USEs previously granted for the site and list of MODIFICATIONS or waivers of SUBDIVISION and LAND DEVELOPMENT, or STORMWATER MANAGEMENT requirements previously granted for the site.
  - Y. List of any MODIFICATIONS of SUBDIVISION and LAND DEVELOPMENT or STORMWATER MANAGEMENT requirements being requested and a justification for request.
3. The application for PRELIMINARY PLAN approval shall contain the following supporting information:
- A. A Lancaster COUNTY PLANNING COMMISSION preliminary Appendix 24 Application for Consideration of SUBDIVISION and/or LAND DEVELOPMENT PLAN.
  - B. Proposed and existing centerline profiles for each STREET shown on the PRELIMINARY PLAN.
  - C. A letter from the postmaster of the AREA in which the SUBDIVISION or LAND DEVELOPMENT is located stating that the proposed STREET names are acceptable.
  - D. A SKETCH PLAN of the remaining lands of the DEVELOPER, including the prospective future STREET system. The STREET system of the PRELIMINARY PLAN will be considered in the light of adjustments and connections with the future STREETS as shown in the SKETCH PLAN of the remaining lands.
  - E. When connection to public or private water and/or sewer facilities is proposed, assurance of the availability of such service. This assurance shall be in the form of a letter signed by an authorized and responsible officer or person, as appropriate, of the company, party or AUTHORITY concerned, indicating their ability and willingness to make such service available.
  - F. A properly executed Pennsylvania Department of Environmental Protection Planning Module for LAND DEVELOPMENT.
  - G. A draft of any proposed covenants to run with the land.
  - H. A phasing plan and tentative timetable for the proposed sequence of DEVELOPMENT for SUBDIVISION or LAND DEVELOPMENT. The timetable may be in a letter form, indicating the order in which activities will occur.


- I. Where the land included in the proposed DEVELOPMENT has a gas pipeline, PETROLEUM PRODUCTS transmission line, electric transmission line, or any other cable or pipeline located thereon, the application shall be accompanied by a letter from the owner of such pipeline stating minimum distance requirements and restrictions on the use of the land.
  - J. A check or money order drawn to the TOWNSHIP in the amount specified on the fee schedule, as may be amended from time to time, adopted by resolution of the Board of COMMISSIONERS.
4. Whenever a proposed project will have (a) ten (10) or more DWELLING units or (b) contain five thousand (5,000) or more total square feet of commercial or industrial gross FLOOR AREA or (c) will generate one hundred (100) or more average weekday vehicle trips, the APPLICANT shall perform a traffic impact study in accordance with Section 502.4.A.
- A. Traffic Impact Study
    - (1) Definition of Influence AREA.
      - (a) An influence area must be defined which contains eighty percent (80%) or more of the trip ends that will be attracted to the DEVELOPMENT. A market study can be used to establish the limits of an influence AREA, if available. If no market study is available, an influence AREA should be estimated based on a reasonable documented estimate. The influence AREA can also be based on a reasonable maximum convenient travel time to the site, or delineating AREA boundaries based on locations of competing DEVELOPMENTS.
      - (b) Other methods such as using trip data from an existing DEVELOPMENT with similar characteristics or using an existing origin-destination survey of trips within the AREA can be used in place of the influence AREA to delineate the boundaries of the impact.
    - (2) AREA of Traffic Impact Study. The traffic impact study AREA shall be based on the characteristics of the influence AREA. The intersections and roadway segments to be included in the study shall be adjacent to the site or impacted by vehicular traffic generated by the DEVELOPMENT of the site. The intersections and roadway segments shall be mutually agreed upon by the TOWNSHIP Staff and the traffic ENGINEER preparing the study. In the absence of an agreement, the APPLICANT may be required to analyze additional intersections and/or roadway segments within the study AREA.

- (3) Preparation by Transportation ENGINEER Required. When it has been determined that a traffic impact study is required for a proposed site DEVELOPMENT, it shall be the responsibility of the DEVELOPER to ensure the study is conducted and a final REPORT submitted in accordance with these guidelines. The traffic impact study and final REPORT shall be prepared under the supervision of a registered Professional ENGINEER who possesses a license issued by the Pennsylvania State Registration Board for Professional ENGINEERS. The final traffic impact study REPORT must have the seal of the supervising ENGINEER on it when submitted.
  
- (4) Documentation Required. A traffic impact study REPORT shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.
  - (a) The documentation for a traffic impact study shall include, at a minimum:
    - [i] Executive summary.
    - [ii] Study purpose and objectives.
    - [iii] Description of the site and study AREA.
    - [iv] Existing conditions in the AREA of the DEVELOPMENT.
    - [v] Recorded or APPROVED nearby DEVELOPMENT.
    - [vi] Trip generation, trip distribution, and modal split.
    - [vii] Projected future traffic volumes (build and no-build).
    - [viii] A description of the change in roadway operating conditions resulting from the DEVELOPMENT traffic.
    - [ix] Recommendations for site ACCESS and transportation IMPROVEMENTS needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
    - [x] Supplemental studies, i.e., gap, queue, left turn, etc.
    - [xi] IMPROVEMENTS to be implemented by the APPLICANT.

[xii] Appendix - Include data collection summaries, detailed capacity analysis worksheets, etc.

[xiii] Signed and Sealed by a Professional ENGINEER.

- (b) The analysis shall be presented in a straight forward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
- (c) Recommended IMPROVEMENTS to the study AREA network to include preliminary cost estimates, proposed implementation schedule and expected levels of service for the recommended network. Any off-site IMPROVEMENTS which are to be constructed, should be noted.
- (d) The recommendations shall specify the time period within which the IMPROVEMENTS should be made (particularly if the IMPROVEMENTS are associated with various phases of the DEVELOPMENT CONSTRUCTION), and any monitoring of operating conditions and IMPROVEMENTS that may be required.
- (e) Data shall be presented in tables, graphs, maps, and diagrams.
- (f) An executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.

(5)  5.

Data Collection.

- (a) Existing twenty-four-hour and peak hour traffic volume data, including weekdays, Saturdays and Sundays, for all STREETS which provide direct ACCESS to the proposed DEVELOPMENT and for the ARTERIAL STREETS and COLLECTOR STREETS which will serve the proposed DEVELOPMENT, as well as any major intersection within the traffic impact AREA.
- (b) Traffic count data shall not be more than two (2) years old. Manual turning movement traffic counts shall be taken on a Tuesday, Wednesday or Thursday of a non-holiday week. Additional counts (i.e. on a Saturday or Sunday for a proposed commercial or non-residential DEVELOPMENT) may also be required in some cases.

(6)



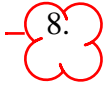
Horizon Year. The traffic forecasts shall be prepared for the anticipated completion year of the DEVELOPMENT, assuming full buildout and occupancy. This year shall be referred to as the horizon year in the remainder of this ORDINANCE. If ACCESS is proposed onto a State Highway, an analysis shall be conducted at a period of 10 years beyond the horizon year.

(7)



Non-Site Traffic Estimates. Estimates of non-site traffic shall be made, and will consist of traffic generated by all other DEVELOPMENTS within the impact study AREA for which preliminary or FINAL PLANS have been APPROVED. Non-site traffic may be estimated using historic trends for the roadway or the PennDOT Traffic Data Collection and Factor Development Report.

(8)



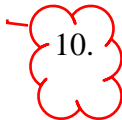
Trip Generation Rates Required. The traffic impact study REPORT shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of adjacent STREET peak trips (AM and PM), generator peak hour trips, and total daily trips. The trip generation rates used must be either from the 6th edition of Trip Generation by Institute of Transportation ENGINEERS, or from a local study of corresponding land uses and quantities. All sources must be referenced in the study. The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the REPORT.

(9)



Consideration of Pass-By Trips. If a reduction in the site generated traffic volumes is a consideration for the land use in question, studies and interviews at similar land uses, in similar AREAS must be conducted or referenced justifying the pass-by reduction to be applied.

(10)



Rate Sums. Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the study REPORT. If a reduction in the overall trip generation of a mixed-use DEVELOPMENT was proposed due to internalization, documentation should be provided.

(11)



Estimates of Trip Distribution Required.

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

[i] Analogy

[ii] Trip distribution model

[iii] Surrogate data

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

(12)

12.

Trip Assignments. Assignments must be made considering logical routings, available roadway capacities, left turns at intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site ACCESS points and in large projects (those producing two hundred (200) or more additional peak direction trips to or from the site during the DEVELOPMENT'S peak hour) through the internal roadways. When the site has more than one ACCESS DRIVE, logical routing and possibly multiple paths should be used to obtain realistic DRIVEWAY volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models. If a thorough analysis is required to account for pass-by trips, the following procedure should be used:

- (a) Determine the percentage of pass-by trips in the total trips generated.
- (b) Estimate a trip distribution for the pass-by trips.
- (c) Perform two separate trip assignments, based on the new and pass-by trip distributions.
- (d) Combine the pass-by and new trip assignment.

(13)

13.

Total Traffic Impacts.

- (a) Traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because of the removal of a land use. The traffic impact REPORT should clearly depict the total traffic estimate and its components.



- (b) The study AREA roadway network is to be analyzed for safety and capacity sufficiency for three separate conditions: (1) existing network conditions, (2) future network conditions without the proposed DEVELOPMENT and 3) future network conditions with the proposed DEVELOPMENT. For each of the three conditions the following analyses shall be completed:
  - [i] Mainline ADT volumes and turning movement volumes for all critical intersections within the study AREA will be determined for the AM peak hour, PM peak hour and the proposed DEVELOPMENT peak hour, if other than either the AM or PM peak hour of the network.
  - [ii] The effectiveness of the traffic signal control at all intersections will be evaluated by approach in terms of vehicle stops and delays.
  - [iii] Gap studies will be conducted in accordance with standards established by the ITE at the proposed site ACCESS points to evaluate the need for signal control, turn prohibitions or additional site ACCESS points to reduce the left turn volume from the site DRIVEWAYS if unsatisfactory levels of service are achieved.
  - [iv] Queue length studies will be completed in accordance with standards established by the ITE to evaluate the potential for a backup of traffic from controlled intersections which could impact other intersections including ACCESS points to the proposed DEVELOPMENT.
- (c) The analysis of the existing roadway and intersection conditions in the study AREA will be based upon the current geometric conditions and traffic control operations. This analysis will serve as a basis for determining the current adequacy of the roadway network and to document any deficiencies.
- (d) The analysis of the future conditions without the proposed DEVELOPMENT will document the adequacy of the study AREA network to accommodate traffic in the horizon year(s) without the proposed DEVELOPMENT.
- (e) The analysis of the future conditions with the proposed DEVELOPMENT will document the adequacy of the study AREA network to accommodate traffic in the horizon year(s) with the proposed DEVELOPMENT.

(14)

14.

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

(15)

15.

Capacity Analysis.

- (a) Capacity analysis must be performed at each of the STREET and PROJECT SITE ACCESS intersection locations (signalized and unsignalized) within the study AREA. In addition, analyses must be completed for roadway segments effected by the proposed site traffic within the study AREA. These may include such segments as weaving sections, ramps, internal site roadways, parking facility ACCESS points, and reservoirs for vehicles queuing off site and on site. Other locations may be deemed appropriate depending on the situation.
- (b) The recommended level-of-service shall be computed in accordance with 1994 Highway Capacity Manual, Special REPORT 209, published by the Transportation Research Board, or any subsequent revision of such manual. The most current version of the Highway Capacity Software can be used.
- (c) The operational analyses in the Highway Capacity Manual should be used for analyzing existing conditions, traffic impacts, ACCESS requirements, or other future conditions for which traffic, geometric, and control parameters can be established.
- (d) In developing the proposed IMPROVEMENTS, the study prepared is to consider the following:
  - [i] All highway capacity evaluations shall consider not only the overall intersection level of service and delay but also evaluate each approach and movement to identify any substandard values which need to be improved.
  - [ii] For locations where the level of service of the horizon year without the proposed DEVELOPMENT is F, the IMPROVEMENTS shall provide an estimated delay which will be no worse than the delay for the horizon year without the proposed DEVELOPMENT.

- [iii] Where new intersections are being established to serve as ACCESS to the proposed DEVELOPMENT, these intersections must be designed to at least operate at Level of Service C or better.
- [iv] IMPROVEMENTS must be designed to meet the preferred level of service which is defined in TOWNSHIP Impact Fee ORDINANCE for the applicable transportation service AREA.
- [v] For ACCESS points to the proposed DEVELOPMENT, which are not proposed to be controlled by a traffic signal, an analysis will be completed to determine the design details for a separate left turn lane on the adjoining highway.
- [vi] For ACCESS points to the proposed DEVELOPMENT where traffic signal control is being proposed, a traffic signal warrant analysis shall be performed in accordance with the requirements of the PA Department of Transportation, Publication 201. Although a left turn lane shall be provided, an analysis shall be completed to determine the type of signal phasing required.

B. Soils

(1) 1.

Those applications involving lands with soils characterized by "severe" limitations for BUILDING site DEVELOPMENT according to the "SOIL SURVEY", and/or those plans involving the use of on-LOT sewage disposal systems on lands with soil characterized by "severe" limitations for such facilities according to the "SOIL SURVEY", or those applications involving land that contains prime farmland as defined in such SOIL SURVEY, shall require the preparation of a statement by a qualified planner, soil scientist, or ENGINEER which includes the following minimum considerations:

- (a) A planimetric map of the site that depicts those soils contained on the site. Soils with severe DEVELOPMENT constraints or which constitute prime farmland shall be highlighted. The map shall also depict all existing and proposed IMPROVEMENTS on the site;
- (b) A description of the site planning methods used to protect soils with severe DEVELOPMENT constraints from deleterious impacts associated with the proposed use; and,

- (c) A description of the CONSTRUCTION techniques used to assure that the site's soils can safely accommodate the proposed use.
- (d) APPLICANT shall identify the classification of agricultural soil is involved, what efforts, if any, are being made to preserve such prime soil.

C. Steep Slopes

- (1) All application involving lands that possess slopes exceeding ten (10%) percent shall include a statement by a Commonwealth registered ENGINEER or LANDSCAPE ARCHITECT which includes the following minimum considerations:
  - (a) A topographic map of the site which highlights those AREAS that possess slopes exceeding ten (10%) and fifteen (15%) percent, respectively. Also reflected on this map shall be all existing and proposed site IMPROVEMENTS (e.g. BUILDINGS, roads, sewer systems, DRIVEWAYS and etc.);
  - (b) A detailed description of the methods that are being used to:
    - (i) protect and stabilize AREAS that have a high potential for soil EROSION;
    - (ii) prevent the CONSTRUCTION of STRUCTURES and other site IMPROVEMENTS on AREAS with slopes exceeding fifteen percent (15%) or a description of the specific design and CONSTRUCTION techniques used to assure structural safety and minimize harm to the environment associated with DEVELOPMENT of steep slopes;
    - (iii) minimize grading throughout the site;
    - (iv) protect water quality on and around the site from the adverse effects of the proposed use;
    - (v) protect any steep slopes on adjoining properties; and
  - (c) In those instances where BUILDINGS and/or other STRUCTURES are being placed on slopes exceeding ten percent, a description of the methods used to assure adequate foundations, shall be provided.

D. Historic Properties or STRUCTURES.

- (1) APPLICANT shall identify on-site properties or STRUCTURES listed with the National Register of Historic Places and/or listed on the Pennsylvania Register of Historic Places. APPLICANT shall also identify such other properties and STRUCTURES as may be of local historic significance by means of a field survey by the Historic Preservation Trust of Lancaster County or such other individual or organization of equivalent expertise. Properties or STRUCTURES that are identifiable links to past ownership, such as markers or cemeteries shall be identified.
  - (a) The APPLICANT shall describe the ways in which the APPLICANT intends to preserve, protect and maintain such historic properties or STRUCTURES and other man-made resources.

E. Wildlife and Woodlands.

- (1) The APPLICANT shall identify wildlife habitats on the property. In addition, the APPLICANT shall also identify all stands of TREES on the property. The APPLICANT shall also identify individual TREES that are more than 6 inches in diameter or greater than 20 feet in height on the property. The APPLICANT shall identify all public utilities and site IMPROVEMENTS in relation to such TREES, with the intent of preserving and protecting such TREES.
  - (a) The APPLICANT shall describe the way in which the APPLICANT intends to preserve and protect such habitats and woodlands.

F. Parks and Recreation.

- (1) All APPLICANTS for residential DEVELOPMENT shall review the COMPREHENSIVE PLAN and the Parks & Recreation Plan, and any updates thereto, relative to the need for parks and recreation facilities in Manheim TOWNSHIP and shall specify the effect of the proposed residential use on TOWNSHIP parks and recreation facilities.
  - (a) The review shall specify the adopted level of service standard for TOWNSHIP parks; the existing park and recreational facilities in the vicinity of the proposed DEVELOPMENT; the need, if any, for additional parks and recreational facilities; the cost of needed IMPROVEMENTS; and the method of funding such IMPROVEMENTS.

- (b) All APPLICANTS shall comply with the mandatory dedication requirements or fees in lieu thereof, and other applicable provisions of this ORDINANCE.

G. STORMWATER/Hydrogeology

- (1) All APPLICANTS shall submit hydrogeological data to show that the proposed use of the site will not adversely affect the geology of the site and the regional groundwater table underlying the site. Hydrogeological data shall be compiled by a qualified hydrologist or hydrogeologist.
  - (a) If hydrogeological examination of the site discloses a condition which could adversely affect the geology of the site or of any adjacent sites or the regional groundwater table underlying the site or adjacent AREAS, APPLICANT shall submit a plan for addressing and correcting any such condition.
  - (b) All APPLICANTS shall comply with The Manheim Township Stormwater Management Ordinance.

H. Public Facilities

- (1) The APPLICANT shall review the COMPREHENSIVE PLAN (December 1995) and any amendments or updates thereto, and shall submit the following information relative to public facilities and services.
  - (a) A description of the effect of the proposed use on the need for additional TOWNSHIP BUILDINGS, IMPROVEMENTS and services including, but not limited to, municipal and maintenance BUILDINGS and properties, and any measures taken to account for these additional needs.
  - (b) A description of the effect of the proposed use on the need for additional police and/or fire protection in order to maintain the standards specified in the COMPREHENSIVE PLAN.
  - (c) A description of the effect of the proposed use on the need for any additional public facilities or services deemed necessary by the TOWNSHIP to protect and promote the health, safety and general welfare of the public.

**ARTICLE VI.        FINAL PLAN**

**SECTION 601.        APPLICATION PROCEDURE**

1. FINAL PLAN application for the entire project shall be submitted within five (5) years after the Board of COMMISSIONERS has APPROVED the PRELIMINARY PLAN application. FINAL PLAN applications may either be submitted in sections, each section covering a portion of the entire DEVELOPMENT shown on the PRELIMINARY PLAN application if the relationship of the part to the whole is clearly shown, or the FINAL PLAN can be for the entire project.
2. Unless an extension of time has been granted by the Board of COMMISSIONERS upon written request, a FINAL PLAN application submitted after the five (5) year period shall be considered a new PRELIMINARY PLAN and shall be required to comply with the plan application requirements listed in Article V, PRELIMINARY PLANS.
3. The FINAL PLAN application shall conform in all important respects with the PRELIMINARY PLAN application previously APPROVED by the TOWNSHIP and shall incorporate MODIFICATIONS and revisions specified by the Board of COMMISSIONERS in its conditional approval of the PRELIMINARY PLAN application. If the FINAL PLAN does not so conform, the DEVELOPER may in a written request have the application be considered as a revised PRELIMINARY PLAN application, in which case it shall be required to comply with the plan application requirements listed in Article V, PRELIMINARY PLANS.
4. Eight (8) copies of the FINAL PLAN application, including the FINAL PLAN, all supporting information required in Section 602. of this ORDINANCE, and an 11 x 17 copy of the site plan and a filing fee shall be submitted to the PLANNING COMMISSION STAFF. The PLANNING COMMISSION STAFF shall submit all applications to the PLANNING COMMISSION and TOWNSHIP ENGINEER for their review and recommendations to the Board of COMMISSIONERS.
  - A. In the event the APPLICANT disputes the amount of any such review fees, the APPLICANT shall within ten days of the billing date, notify Manheim TOWNSHIP that such fees are disputed, in which case the TOWNSHIP shall not delay or disapprove an APPLICANT'S request over disputed fees.
  - B. In the event that Manheim TOWNSHIP and the APPLICANT cannot agree on the amount of review fees which are reasonable and necessary, then the APPLICANT and Manheim TOWNSHIP shall follow the procedure for dispute resolution set forth in Section 503. of the MUNICIPALITIES PLANNING CODE.

5. A FINAL PLAN application shall be accompanied by all required plans and documents and the required filing fee. The PLANNING COMMISSION STAFF shall have seven (7) days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all the information required by this ORDINANCE, thereby establishing the official filing date, or incomplete and rejected. Within said time, the TOWNSHIP shall notify the APPLICANT in writing that the FINAL PLAN application is essentially complete and accepted including the official filing date and date of review the PLANNING COMMISSION, if applicable, or that the final application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The APPLICANT can reapply, submitting the fee and missing material at any time.
6. Failure of the TOWNSHIP to make a determination of acceptance/rejection shall result in deemed acceptance of the FINAL PLAN application for processing. However, deemed acceptance for processing shall not constitute a waiver of any deficiencies in the FINAL PLAN application or approval of the FINAL PLAN application.
7. In addition to submitting the required material in accordance with Subsection 4. of this Section, the APPLICANT shall file with the Lancaster COUNTY PLANNING COMMISSION, the required number of copies of plans and supporting information, including a filing fee, as determined by the County. The Board of COMMISSIONERS will not approve the FINAL PLAN application until the Board receives County review comments or until the expiration of thirty (30) days from the date the application was forwarded to the County.
8. In general, the PLANNING COMMISSION will schedule the FINAL PLAN application for the action at its first regular meeting which is at least twenty-one (21) calendar days following the filing of the application by the APPLICANT. The TOWNSHIP ENGINEER shall also submit his REPORT to the PLANNING COMMISSION for action at the meeting scheduled by the PLANNING COMMISSION to review that particular application.
9. The PLANNING COMMISSION will discuss the FINAL PLAN application with the APPLICANT or his agent at its regular meeting and will review the application to determine if it meets the standards set forth in this ORDINANCE. The FINAL PLAN application shall be submitted by The PLANNING COMMISSION, together with its analysis and recommendations, to the Board of COMMISSIONERS for consideration.



10. Any ACT or recommendation of the PLANNING COMMISSION which involves engineering consideration may be subject to review and comment by the TOWNSHIP ENGINEER, whose comments shall be incorporated and separately set forth with analysis and recommendations of the PLANNING COMMISSION to the Board of COMMISSIONERS.
11. All applications for approval of a plan shall be acted upon by the Board of COMMISSIONERS which shall render its decision and communicate it to the APPLICANT within the time periods specified in Section 501.10. of this ORDINANCE. The decision shall be communicated to the APPLICANT in the same manner as directed in Section 501.10.
12. Multiple Applications. The resources of the TOWNSHIP and the orderly administration of this ORDINANCE are unduly burdened by multiple and conflicting applications. Therefore, the same APPLICANT may not submit multiple applications for approval of a SUBDIVISION or LAND DEVELOPMENT PLAN for the same property or a portion thereof involving the same land use. If an APPLICANT desires to submit a new application, then the APPLICANT must withdraw in writing any pending applications. In the event the APPLICANT fails or refuses to withdraw any pending applications, the Board of COMMISSIONERS may deny the new application due non-compliance with this Section.

## **SECTION 602. APPLICATION REQUIREMENTS**

1. The copies of all plans submitted with the application for FINAL PLAN approval can be either black and white or blue and white prints, however, the FINAL PLAN to be submitted for signatures and subsequent recording (two required) shall either be drawn with India ink on tracing cloth or be a transparent reproduction of the FINAL PLAN with black line on cloth or stable plastic base film. The sheet size for FINAL PLANS shall not be larger than 24" x 36".
2. The FINAL PLAN shall be at a scale of twenty (20) feet, thirty (30) feet, forty (40) feet, or fifty (50) feet to the inch. If the FINAL PLAN is drawn in two or more sections, a key map showing the locations of the several sections shall be placed on each sheet. The plan shall show the following information and shall conform to any other specifications, documents, codes or regulations adopted by the TOWNSHIP COMMISSIONERS:
  - A. Name or identifying title of the SUBDIVISION or LAND DEVELOPMENT and the location in the TOWNSHIP and any other MUNICIPALITY.
  - B. Name and address of the LANDOWNER of the tract and of the DEVELOPER.
  - C. North point, written scale, graphic scale, plan date and the date of all revisions to the plan.

- D. BLOCK and LOT numbers in consecutive order; LOT AREAS for each LOT with the AREA being calculated to the existing and/or proposed right of way.
- E. A list of site data including: minimum LOT AREA or average AREA per DWELLING unit; total number of LOTS or DWELLING units; total acreage of the DEVELOPMENT; DENSITY in units per acre or LOTS per acre; zoning district; and proposed use of land.
- F. Source of title to the land of the SUBDIVISION or LAND DEVELOPMENT as shown upon the records of the Lancaster County Recorder of Deeds.
- G. Tax assessment map number, BLOCK number, and the LOT number.
- H. Names of the owners of all adjoining undeveloped land, and the names of all existing DEVELOPMENTS immediately adjacent to the property.
- I. A location map of the DEVELOPMENT at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all STREETS and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided or developed.
- J. LOT lines with accurate bearings and distances. Distances shall be to the nearest hundredth of a foot, and shall exclude AREAS within any existing or proposed STREET RIGHT-OF-WAY.
- K. Pedestrian ways, including all sidewalks, CROSSWALKS, WALKWAYS, bikeways and pedestrian RIGHTS-OF-WAY to be used for general public use.
- L. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public, or community use along with exact content of STREET CONSTRUCTION and dedication; all AREAS to which title is reserved by owner.
- M. Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one (1) foot in ten thousand (10,000) feet.
- N. Approximate distances to the intersection of the center lines of the nearest established STREET intersection.
- O. Accurate locations of all existing and recorded STREETS intersecting and/or adjoining the boundaries of the tract.

- P. Complete curve data for all STREET center line and STREET right of way line curves included in the plan, including radius, delta angle, tangent, arc, and chord bearing and distance. Curve segments included in LOT descriptions shall be comprised of arc and chord bearing and distances. At STREET intersections, tangent distance shall be included.
- Q. STREET center lines and STREET right of way lines with accurate dimensions in feet and hundredths of feet, with bearing of such STREET LINES.
- R. STREET names.
- S. Location and material of all permanent monuments and LOT markers including a note that all monuments and LOT markers are set or indicating when they will be set.
- T. EASEMENTS for utilities and any limitations on EASEMENTS.
- U. BUILDING SETBACK LINES not less than the greater of;
  - (1) The minimum setback lines fixed by the Zoning ORDINANCE;
  - (2) Any setback lines required under the provisions of this ORDINANCE;
  - (3) Any setback lines required by other public AUTHORITY or utility provider;
  - (4) Any setback lines which the DEVELOPER intends to provide by deed restriction.
- V. Clear SIGHT TRIANGLES at all STREET intersections.
- W. Typical STREET cross-sections for each proposed STREET shown on the FINAL PLAN and for each existing STREET which will be improved as part of the application.
- X. Location of all BUILDINGS, PRIVATE STREETS, and parking compounds on LAND DEVELOPMENT PLANS.
- Y. The following notes shall be shown on the plan where applicable:
  - (1) A note indicating the type of sewer and water facilities to be provided for the DEVELOPMENT.

- (2) A note to be placed on the plan indicating any AREA, park, IMPROVEMENTS, plantings, STREET or ALLEY that is not to be offered for dedication, and referring to any deed restrictions or agreement of upkeep or maintenance which shall be included in the deed or deeds of such AREA and recorded with Lancaster County Recorder of Deeds.
- (3) A note indicating the TOWNSHIP is not responsible for CONSTRUCTION or maintenance of any AREA, park, improvement, plantings, STREET or ALLEY not dedicated for public use.
- (4) A note indicating that the proper number of parking spaces, as required by the Zoning ORDINANCE, shall be located on each LOT.
- (5) In the case of a plan which requires ACCESS to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following plan note: "A Highway Occupancy Permit is required pursuant to Section 420 of the ACT of June 1, 1945 before DRIVEWAY ACCESS to a State Highway is permitted, (P.L. 1242, No. 428), known as the "State Highway Law". ACCESS to the State Highway shall only be as authorized by the Highway Occupancy Permit, and the Board of COMMISSIONERS' approval of this plan in no way implies that such permit can be acquired. The TOWNSHIP upon approving the BUILDING PERMIT requested shall not be held liable for damages to persons or property arising out of the issuance or denial of a DRIVEWAY permit by the department.

Z. The following certificates shall be shown on the plan:

- (1) On SUBDIVISION and LAND DEVELOPMENT PLANS, a certification with seal and signature of the registered PROFESSIONAL LAND SURVEYOR to the effect that the survey is correct, and a certification with seal and signature of an individual registered in the Commonwealth of Pennsylvania and qualified to make such certification to the effect that the plan is correct. See forms of certificate in the Appendix.
- (2) A statement, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the LANDOWNER of the property, to the effect that the SUBDIVISION or LAND DEVELOPMENT shown on the FINAL PLAN is the ACT and deed of the LANDOWNER, that he/she is the owner of the property shown on the survey and plan, and that he/she desires the same to be recorded as such. Said statement shall be dated following the last change or revision to the FINAL PLAN. See form of certificate in the Appendix.

- (3) Certificate of dedication of STREETS, IMPROVEMENTS and other public property to the TOWNSHIP or other appropriate municipal or governmental AUTHORITY. See form of certificate in the Appendix.
- (4) Certificate for approval by the Board of COMMISSIONERS. See form of certificate in the Appendix.
- (5) Certificate for review by the PLANNING COMMISSION. See form of certificate in the Appendix.
- (6) Certificate for review by the TOWNSHIP ENGINEER as required by the Board of COMMISSIONERS. See form of certificate in the Appendix.
- (7) Certificate acknowledging that the plan has been reviewed by the Lancaster COUNTY PLANNING COMMISSION. See form of certificate in the Appendix.
- (8) A certificate to accommodate the recording information affixed by the Lancaster County Recorder of Deeds. See form of certificate in the Appendix.

3. The application for FINAL PLAN approval shall contain the following supporting information:

- A. A final Lancaster COUNTY PLANNING COMMISSION Appendix 24 Application for Consideration of SUBDIVISION and/or LAND DEVELOPMENT PLAN.
- B. FINAL PLANS, profiles and cross sections for STREET IMPROVEMENTS, sanitary sewerage facilities, storm water management facilities, and water distribution systems.
- C. Restrictions of all types which will run with the land and become covenants in the deeds of lands shown on the plans, which may be subject to the approval of the TOWNSHIP COMMISSIONERS.
- D. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or OPEN SPACE, which may be subject to the approval of the TOWNSHIP COMMISSIONERS.
- E. Where LOT sizes or number of DWELLING units are based on PUBLIC WATER and/or PUBLIC SEWER facilities, assurance acceptable to the Board of COMMISSIONERS that such facilities will be installed.

- F. A grading plan, showing existing GRADES and proposed finished GRADES on the site.
- G. For plans which include landscaping as required by the Manheim TOWNSHIP Zoning ORDINANCE, a landscaping plan prepared by a certified LANDSCAPE ARCHITECT. Such plans shall show the location, size and type of all plant material to be installed on the site and existing plant material to remain.
- H. A storm water management plan, including storm water RUNOFF calculations for pre-DEVELOPMENT and post-DEVELOPMENT conditions as specified by Manheim TOWNSHIP STORMWATER ORDINANCE.
- I. An EROSION and sedimentation control plan that conforms to the requirements of the Pennsylvania Department of Environmental Protection.
- J. A dedication plan, showing existing public land and property to be dedicated or reserved for public use, STREETS, RIGHTS-OF-WAY, sanitary sewer and EASEMENTS. The nature of the form dedication shall be noted as fee simple or an EASEMENT.
- K. Such certificates or letters of approval by proper AUTHORITIES including certificates approving the water supply system and sanitary sewer system of the SUBDIVISION or LAND DEVELOPMENT. (See Sections 813. and 814. for specific requirements).
- L. A plan, APPROVED by the proper utility company, showing the location and type of STREET lights to be installed, if applicable.
- M. A properly executed Pennsylvania Department of Environmental Protection Planning Module for LAND DEVELOPMENT.
- N. For DEVELOPMENT PLANS which include CONSTRUCTION of PUBLIC SEWER extensions, pump stations, force mains or other similar facilities, a properly executed permit from the a Pennsylvania Department of Environmental Protection or Sewer Extension Permit where applicable.
- O. Plans which front on State Highways shall have a properly executed Highway Occupancy Permit from the Pennsylvania Department of Transportation.
- P. A check or money order drawn to the TOWNSHIP in the amount as specified on the fee schedule, as may be amended from time to time, adopted by resolution of the Board of COMMISSIONERS.

- Q. If a public recreation site is not dedicated or private recreation site is not acceptable to the TOWNSHIP, a check or money order for the fee in lieu of dedication of recreation land drawn to the TOWNSHIP in an amount, representing the fair market value of the land required to be dedicated, as APPROVED by the Board of COMMISSIONERS.
- R. Agreements signed by owners of off-site properties are required for EASEMENTS and RIGHTS-OF-WAY.
- S. If the proposed project will require the relocation of existing utility facilities, the APPLICANT shall provide a UTILITY FACILITY relocation plan. Such plan shall identify, by name and address, all utilities affected, indicate existing and proposed facility locations and include the signature of utility officials authorized to approve the relocation plan.
- T. Certified copies of all permits and approvals by applicable federal and state laws and county codes and regulations.

**SECTION 603. IMPROVEMENTS; FINANCIAL SECURITY**

- 1. No DEVELOPMENT shall be considered in compliance with this ORDINANCE until the STREETS, STREET signs, sidewalks and curbs, storm drainage facilities, sanitary sewer facilities, water supply facilities, fire hydrants, STREET lights, shade TREES, buffer and SCREEN plantings, recreational facilities, OPEN SPACE IMPROVEMENTS, LOT line markers, survey monuments, and other IMPROVEMENTS and common amenities have been installed in accordance with this ORDINANCE and the APPROVED FINAL PLAN.
- 2. No FINAL PLAN shall be unconditionally APPROVED and executed on behalf of this TOWNSHIP for recording in the Office of the Lancaster County Recorder of Deeds unless (1) all IMPROVEMENTS required by this ORDINANCE have been installed in accordance with the conditionally APPROVED FINAL PLAN or (2) FINANCIAL SECURITY in accordance with this Section 603. and the MUNICIPALITIES PLANNING CODE is accepted by the TOWNSHIP and the AUTHORITY.
- 3. The posting and administration of FINANCIAL SECURITY to guarantee the completion of required IMPROVEMENTS and common amenities shall comply with the provisions of this Article, the MUNICIPALITIES PLANNING CODE and other applicable laws of the Commonwealth.
- 4. All FINANCIAL SECURITY shall be prepared by the DEVELOPER in the form required by the TOWNSHIP and by the AUTHORITY and in a form and content acceptable to the Solicitor for the TOWNSHIP and AUTHORITY. The amount of the security shall be calculated in accordance with Article V of the MUNICIPALITIES PLANNING CODE. The security shall assure completion of all IMPROVEMENTS within a time period as may be determined by the TOWNSHIP. The following are acceptable forms of security.

All other forms of security shall be individually APPROVED by the TOWNSHIP and AUTHORITY.

A. Letter of Credit. A letter of credit provided by the DEVELOPER from a financial institution or other reputable institution subject to the approval of the TOWNSHIP and AUTHORITY. This letter shall be deposited with the TOWNSHIP and the AUTHORITY and shall certify the following:

- (1) That the creditor does guarantee funds in an amount equal to 110% of the cost of completing all required IMPROVEMENTS.
- (2) In case of failure on the part of the DEVELOPER to complete the specified IMPROVEMENTS within the required time period or notification by the financial institution that the letter of credit will not be renewed, the creditor shall pay to the TOWNSHIP or AUTHORITY immediately, and without further action, such funds as are necessary to finance the completion of those IMPROVEMENTS, up to the limit of credit stated in the letter.
- (3) The letter of credit may not be withdrawn, or reduced in amount, until released by the TOWNSHIP or AUTHORITY.

B. Surety Performance Bond. A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable and in a form acceptable to the TOWNSHIP and/or the AUTHORITY.

C. Escrow Account. A deposit of cash with the TOWNSHIP and/or AUTHORITY or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the TOWNSHIP and the AUTHORITY. In the case of an escrow account, the DEVELOPER shall file with the TOWNSHIP and the AUTHORITY an agreement between the financial institution and himself guaranteeing the following:

- (1) That the funds of said escrow account shall be held in trust until released by the TOWNSHIP or AUTHORITY, as appropriate, and may not be used or pledged by the DEVELOPER as security in any other manner during that period.
- (2) In the case of a failure on the part of the DEVELOPER to complete said IMPROVEMENTS, then the institution shall immediately make the funds in said account available to the TOWNSHIP or AUTHORITY for use in the completion of those IMPROVEMENTS.

5. Facilities dedicated to a Utility.

A. If facilities are to be dedicated to a utility, the developer shall provide one of the following:



- (1) Evidence that FINANCIAL SECURITY in an amount sufficient to secure completion of all sewer and/or water facilities to be dedicated to such Utility has been provided to and accepted by such Utility; or
  - (2) Evidence that the DEVELOPER has requested the Utility to accept FINANCIAL SECURITY in an amount sufficient to secure completion of all sewer and/or water facilities to be dedicated to such Utility and that such Utility has declined to accept the FINANCIAL SECURITY. If the Utility refuses to accept the FINANCIAL SECURITY, the DEVELOPER shall post FINANCIAL SECURITY to secure completion of the sewer and/or water facilities to be dedicated with the TOWNSHIP; or
  - (3) Evidence that the Utility has previously notified the TOWNSHIP that such Utility desires for the TOWNSHIP to hold FINANCIAL SECURITY for all extensions of its sewer and/or water facilities, in which case the DEVELOPER shall post FINANCIAL SECURITY to secure completion of the sewer and/or water facilities to be dedicated to the Utility with the TOWNSHIP.
- B. If the TOWNSHIP accepts the FINANCIAL SECURITY for sewer and/or water facilities under this Subsection, the inspection of required IMPROVEMENTS and release of FINANCIAL SECURITY shall be in accordance with this Section.
6. As the work of installing the required IMPROVEMENTS proceeds, the party posting the FINANCIAL SECURITY may request the Board of COMMISSIONERS to authorize the release of such portions of the FINANCIAL SECURITY associated with the completed IMPROVEMENTS Requests for the partial release of FINANCIAL SECURITY as the work of installing the required IMPROVEMENTS proceeds shall be made and governed by Section 509. of the MUNICIPALITIES PLANNING CODE.
  7. At such time that the DEVELOPER has completed and installed the required IMPROVEMENTS, the Board of COMMISSIONERS shall consider the DEVELOPER'S request for a release from the improvement guarantee in accordance with the procedure set forth in Section 510. of the MUNICIPALITIES PLANNING CODE.
  8. In the event that any IMPROVEMENTS which are required by this ORDINANCE have not been installed as provided in this ORDINANCE or in accord with the APPROVED FINAL PLAN, the TOWNSHIP may 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 COMMISSIONERS 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 monies necessary to complete the remainder of the IMPROVEMENTS.

## **SECTION 604. RECORDING OF FINAL PLAN**

1. Within ninety (90) days after approval of a FINAL PLAN by the Board of COMMISSIONERS, the plan shall be filed for recording by the DEVELOPER with the Lancaster County Recorder of Deeds. Should the plan not be recorded within such period, the action of the Board of COMMISSIONERS shall become null and void. The FINAL PLAN to be recorded shall be an exact copy of the APPROVED FINAL PLAN prepared in accordance with the provisions of this ORDINANCE and shall bear the signatures of the representatives of the Board of COMMISSIONERS, the TOWNSHIP PLANNING COMMISSION and the Lancaster COUNTY PLANNING COMMISSION. The FINAL PLAN shall be filed with Lancaster County Recorder of Deeds before proceeding with the sale of LOTS, CONSTRUCTION of BUILDINGS or grading of site (except for IMPROVEMENTS constructed in accordance with subsection 603.1. of this ORDINANCE).
2. Recording of the FINAL PLAN after approval of the Board of COMMISSIONERS shall have the effect of an irrevocable offer to dedicate to the public use, all STREETS, sanitary sewer systems and extensions (other than private LOT force lateral systems, as described in Section 813.7. of this ORDINANCE), storm drainage systems (other than storm water RETENTION BASINS which shall not be dedicated unless so elected upon by the TOWNSHIP, notation of nondedication to be placed upon the FINAL PLAN), water main extensions and systems, other required IMPROVEMENTS, neighborhood parks, and other public AREAS shown thereon, unless reserved by the DEVELOPER as provided in Section 604.4. of this ORDINANCE with respect to STREETS, parks and certain AREAS. The approval of the Board of COMMISSIONERS shall not impose any duty upon the TOWNSHIP concerning maintenance or improvement of any such dedicated STREETS, IMPROVEMENTS or public AREAS until the Board of COMMISSIONERS shall have accepted the same by ORDINANCE or Resolution. Nothing in this section shall imply that the Board of COMMISSIONERS is bound to accept a STREET, park, or other improvement if all conditions are in compliance as required herein. Until accepted by the Board of COMMISSIONERS, all STREETS, parks or other IMPROVEMENTS shall be deemed to the private.
3. At the time the DEVELOPER requests that the IMPROVEMENTS be accepted by the Board of COMMISSIONERS, the DEVELOPER shall file with the TOWNSHIP, one (1) complete set of "as built" drawings of all required IMPROVEMENTS. These "as built" drawings shall be at a scale of forty (40) feet to the inch.
4. If certain AREAS, parks, STREETS, or ALLEYS are proposed to remain in private ownership, the DEVELOPER shall place a notation on the FINAL PLAN to effect that there is no offer of dedication to the public of such designated AREAS, parks, STREETS or ALLEYS, in which event, the title to and obligation to maintain such AREAS shall remain with the LANDOWNER, and the Board of COMMISSIONERS shall assume no responsibility for IMPROVEMENTS or maintenance thereof, which fact shall be noted on the FINAL PLAN.

5. No BUILDING PERMIT shall be issued to authorize DEVELOPMENT shown on any APPROVED plan, unless and until one copy of the reproducible mylar with all required signatures is filed with the County Recorder of Deeds, and two complete sets of printed copies with the TOWNSHIP.
6. In addition to the plan prepared for recording, the APPLICANT shall submit a computer-readable file in the form specified by the TOWNSHIP which shall provide a complete display of the entire FINAL PLAN including all information contained on the finally APPROVED plan. The computer readable file shall be submitted at the same time that the plan is submitted for recording.

**SECTION 605. LOT ADDITIONS AND PLAN REVISIONS**

Plans for LOT additions and/or plan revisions shall be prepared in accordance with the requirements for Preliminary and FINAL PLAN preparation, whichever is applicable. The plan shall show bearings and distances of the tract and, if a FINAL PLAN, the applicable certificates required for a FINAL PLAN approval and recording. In addition, the plan shall show the applicable items of information and the APPLICANT shall submit the supporting data as required by the provisions of this ORDINANCE pertaining to preliminary and FINAL PLANS.

**ARTICLE VII.        EXEMPTIONS**

**SECTION 701.        SUBDIVISIONS FOR WIDENING AND/OR RELOCATION OF EXISTING STREETS**

The TOWNSHIP or any other person proposing the transfer of fee title to the TOWNSHIP for the widening and/or relocation of an existing STREET shall be exempted from the requirement to submit, gain approval of, and record a SUBDIVISION plan if all of the following conditions are met:

1.     No new LOTS shall be created, or no existing LOT line shall be changed other than the LOT line abutting the existing STREET.
2.     No activity which constitutes a LAND DEVELOPMENT shall be proposed.
3.     A plan shall be prepared and submitted to the TOWNSHIP showing the existing STREET RIGHT-OF-WAY, the AREA proposed to be deeded to the TOWNSHIP to widen and/or relocate such STREET, and the new property line. The LANDOWNER shall execute all documentation necessary to enable recording.

**ARTICLE VIII.      DESIGN STANDARDS**  
(Amended by Ordinance 2012-17, dated 11/26/12)

**SECTION 801.      APPLICABILITY**

All SUBDIVISION and LAND DEVELOPMENT PLANS APPROVED by the Board of COMMISSIONERS shall comply with the following design standards. The standards outlined herein shall be considered minimum requirements for the promotion of the public health, safety, and general welfare.

**SECTION 802.      GENERAL STANDARDS**

1. Land shall be developed in conformance with the TOWNSHIP Zoning ORDINANCE and all other ORDINANCES and regulations in effect in the TOWNSHIP.
  - A. Whenever the Zoning ORDINANCE provides that the use proposed by the APPLICANT for SUBDIVISION and/or LAND DEVELOPMENT approval shall constitute a use by SPECIAL EXCEPTION or a CONDITIONAL USE, the APPLICANT shall obtain such SPECIAL EXCEPTION or CONDITIONAL USE approval from the Zoning Hearing Board or the Board of COMMISSIONERS, as applicable, prior to the submission of the PRELIMINARY PLAN. The plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such SPECIAL EXCEPTION or CONDITIONAL USE by the Zoning Hearing Board or the Board of COMMISSIONERS, as applicable.
  - B. Whenever the APPLICANT proposes to develop a SUBDIVISION and/or LAND DEVELOPMENT in a manner that would require a variance from any requirements of the Zoning ORDINANCE, the APPLICANT shall obtain such variance from the Zoning Hearing Board prior to the submission of the PRELIMINARY PLAN. The plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such variance or variances by the Zoning Hearing Board.
  - C. Whenever all or a portion of the land contained within an application for SUBDIVISION or LAND DEVELOPMENT approval constitutes all or a portion of land included in a prior SUBDIVISION or LAND DEVELOPMENT PLAN APPROVED by the TOWNSHIP and recorded in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania, the plan shall comply with all conditions, restrictions and notes imposed on the prior approval and/or included upon the recorded SUBDIVISION or LAND DEVELOPMENT PLAN. The APPLICANT shall identify all prior recorded SUBDIVISION and/or LAND DEVELOPMENT PLANS of which all or a portion of the land contained in the plan was a part and all conditions, restrictions and notes which affect the current application. Failure to identify all applicable conditions, restrictions and notes of record on prior plans constitutes a violation of this ORDINANCE. The APPLICANT shall submit with the application for PRELIMINARY PLAN

approval a statement identifying the prior plans reviewed; the conditions, restrictions and notes which would impact DEVELOPMENT in accordance with the plan for which approval has been requested; and an explanation of the manner in which the proposed plan has been designed to comply with such conditions, restrictions and notes. This information shall be signed by the APPLICANT or the APPLICANT'S ENGINEER or LANDSCAPE ARCHITECT.

2. Significant natural and historical features shall, insofar as possible, be preserved. DEVELOPMENTS should be designed to protect the natural terrain, natural drainage, existing topsoil and existing TREES of the DEVELOPMENT site.
3. Land subject to hazards to life, health, or property, such as may arise from fire, FLOODS, disease, or other causes, shall not be developed for BUILDING purposes unless such hazards have been eliminated or unless the plan shall show adequate safeguards against them, which shall be APPROVED by the appropriate regulatory agencies.
4. All portions of a tract being developed shall be utilized in LOTS, STREETS, public lands or other proposed uses so that remnants and landlocked AREAS shall not be created.
5. Where existing STRUCTURES on a tract being developed are intended to be demolished and removed by the DEVELOPER, such STRUCTURES shall be removed within such period as the Board of COMMISSIONERS may require, as a condition of final approval, following final approval of a FINAL PLAN application.
6. In order to ensure that the adopted minimum Level of Service for adjacent STREETS and intersections are met and to assure that the costs of the necessary transportation IMPROVEMENTS to accommodate the DEVELOPMENT consistent with said Levels of Service are funded and equitably apportioned based upon the traffic generation characteristics of the proposed use, FINAL PLAN approval of all plans shall be conditioned upon participation by the DEVELOPER in the Manheim TOWNSHIP Transportation Impact Fee. Participation shall be guaranteed by the execution of an agreement between the TOWNSHIP and the DEVELOPER, on a form provided by the TOWNSHIP, providing for payment of the applicable impact fee at the time of issuance of a BUILDING PERMIT for the DEVELOPMENT pursuant to the FINAL PLAN.
7. Improvement of Existing STREETS and Intersections. Where a SUBDIVISION or LAND DEVELOPMENT abuts an existing TOWNSHIP and/or state STREET or will have a traffic impact on an existing TOWNSHIP and/or state STREET or intersection as indicated by the Traffic Impact Study performed under Section 502.4 of this ORDINANCE, the DEVELOPER shall make the following IMPROVEMENTS:
  - A. Where the Traffic Impact Study indicates that IMPROVEMENTS are necessary or advisable to existing TOWNSHIP and/or state STREETS and/or intersections within the Traffic Impact Study AREA in order (i) to assure adequate, safe and convenient ACCESS to each LOT and/or STRUCTURE and/or parking compound proposed as part of the DEVELOPMENT of the tract, (ii) to

accommodate the traffic due to the proposed DEVELOPMENT, (iii) to provide for a level of service and delay for the horizon year, or years for phased projects, with the DEVELOPMENT which is at least equivalent to the protected level of service and delay for the horizon year(s) without the proposed SUBDIVISION or DEVELOPMENT, and/or (iv) to preserve the existing convenience of ACCESS to or ability to exit from abutting properties which gain ACCESS from the existing STREET, the DEVELOPER shall install all such indicated IMPROVEMENTS. The DEVELOPER shall install additional traffic lanes, traffic dividers, traffic control devices, traffic signals, and other measures as appropriate to ensure that the DEVELOPMENT of the tract does not adversely impact the existing STREET system and/or ACCESS to or the ability to exit from properties gaining ACCESS from an affected STREET. If the Traffic Impact Study indicates that IMPROVEMENTS must be made to a state STREET, the DEVELOPER shall also take all action necessary to obtain any PennDOT permits and/or approvals to install the necessary STREET widening and/or traffic signals or traffic control devices. If the Traffic Impact Study recommends installation of traffic signals or traffic signal MODIFICATIONS, the DEVELOPER shall prepare all studies and submit all necessary applications to enable the installation of the traffic signal or MODIFICATIONS and shall install the traffic signal or MODIFICATIONS at their cost and expense. If the Traffic Impact Study indicates that traffic control devices or regulations, including but not limited to stop intersections, speed limit reductions, or parking prohibitions, are required, the DEVELOPER shall prepare all studies necessary to justify imposition of such regulations in accordance with PennDOT regulations and shall pay all costs associated with the preparation and enactment of an ORDINANCE to establish such regulations.

- B. The DEVELOPER shall bear all costs and expenses in connection with the IMPROVEMENTS required by this Section. If the DEVELOPER requires the TOWNSHIP to submit any permit applications or requests for approvals in the name of the TOWNSHIP, the DEVELOPER shall reimburse the TOWNSHIP for all costs and expenses incurred by the TOWNSHIP in connection with its review of the application and submission of the application to the PennDOT or any other Governmental agency.
8. Specific Traffic Control and ACCESS Requirements. The following specific control and ACCESS requirements shall be met for DEVELOPMENTS which produce 100 peak hour directional trips.
- A. If any traffic signals are to be installed, the distance between any new and/or existing signals shall be at least one thousand (1,000) feet unless it can be demonstrated that adjacent traffic signals can operate sufficiently at lesser distances.

- B. Design of proposed DEVELOPMENT ACCESS points shall take into consideration the horizontal and vertical GRADES of the existing road network in the traffic impact study AREA to permit safe and convenient ACCESS to the site as defined in the latest PennDOT standards and regulations. All MODIFICATIONS required to meet these regulations will be the responsibility of the DEVELOPER.
- C. The DEVELOPER shall demonstrate by using the latest PennDOT standards and regulations that the proposed use will not create traffic patterns and movements which will jeopardize the traveling public.
- (1) Stacking of sufficient length shall be provided in all traffic lanes on the site and off the site on adjacent roadways to insure that there shall be no blockage of through traffic. The design and length of the stacking lanes shall be justified and supported by the queuing analysis required as part of the traffic impact study.
  - (2) STREET and/or ACCESS DRIVES to and within the site shall be designed in a manner that blockage of through traffic by vehicles attempting to enter or exit on these STREETS or ACCESS DRIVES will not occur.
  - (3) Acceleration, deceleration and turning lanes shall be of sufficient lengths to accomplish their intended use.
- D. If reduction of the speed limit, installation of traffic control devices, limitation of parking or turning, movements or similar measures are required to mitigate traffic impacts upon TOWNSHIP or State highways, the APPLICANT shall present traffic studies performed in accordance with PennDOT regulations and Publication No. 201, Engineering and Traffic Study Regulations. The erection or the installation of such traffic control devices shall be in accordance with Title 67, Chapter 211, Official Traffic Control Devices, of PennDOT regulations. If the enactment of an ORDINANCE is necessary to effectuate the traffic regulations or the installation of the traffic control device, the APPLICANT shall reimburse the TOWNSHIP for all expenses in the preparation and enactment of the necessary ORDINANCE.
- E. No STREET shall be located in a manner which would limit ACCESS to or exiting from abutting properties gaining ACCESS from the existing STREET with which a proposed STREET will intersect unless the DEVELOPER provides such LOTS with alternate ACCESS from the proposed STREET system in a manner acceptable to each affected LOT owner. It shall be the burden of the APPLICANT to demonstrate that such ACCESS is acceptable to all owners of an affected LOT. For the purpose of this provision, limitation of ACCESS shall include the limitation of movements into or exiting the abutting property or properties gaining ACCESS from the existing STREET, whether by traffic regulations, installation



of barriers to prevent turning movements, installation of additional traffic lanes in front of a property, or difficulties or delays resulting from increased flows.

- F. Where new intersections are being established to serve as ACCESS to the proposed DEVELOPMENT, these intersections must be designed to at least operate at Level of Service C or better.
- G. For ACCESS points to the proposed DEVELOPMENT and any major intersections where signal control may be required or is being proposed, a traffic signal warrant analysis shall be performed in accordance with the requirements of PennDOT's Publication 201. A left turn lane shall be provided and an analysis shall be completed to determine the type of signal phasing required.
- H. Emergency traffic signal preemption shall be addressed and provided as required.
- I. Additional left and right turning lanes shall be provided to address the existing roadway site conditions and ACCESS to the proposed DEVELOPMENT.
- J. An agreement between the TOWNSHIP and DEVELOPER shall be provided with regard to operating expenses and maintenance of proposed traffic signals.
- K. Additional through lanes and lane transitions of sufficient length shall be provided to allow smooth traffic flow to existing traffic lanes thus minimizing congestion, delays and or blockage of through traffic within the proposed improvement AREA. The design and length should be justified and supported by the queuing analysis required as part of the traffic impact study and PennDOT standards.

**SECTION 803. STREETS**

1. Table of Roadway Design Criteria:

<u>Criteria</u>	<u>Collector</u>	<u>Local</u>
Number of Travel Lanes	2	2
Roadway Width, Public (Min.)		
No Parking	38 ft. *	34 ft. *
<u>Criteria</u>	<u>Collector</u>	<u>Local</u>
Parking, One Side	38 ft. *	34 ft. *

Parking, Two Sides	38 ft. *	34 ft. *
Roadway Width, Private (Min.)		
No Parking	--	27 ft. *
Parking	--	34 ft. *
Cross Slope		
(Ft. per ft.)	.021	.021
Horizontal Clearance		
(beyond edge of Road)	R/W limits	R/W limits
Horizontal Curvature		
Desirable	500 ft.	175 ft.
Minimum	500 ft.	175 ft.
Vertical GRADE		
Range	1% - 6%	1% - 10%
Sight Distance (Min.)		
Stopping	275 ft.	200 ft.
Passing	1,500 ft.	1,100 ft.
Intersection		
(for passenger cars)	440 ft.	250 ft.
Intersection Curb		
Radii (Min.)	50 ft.	30 ft.
RIGHT-OF-WAY Width		
Typical	55 ft.	50 ft.
At Intersection		
(width 300 ft.)	55 ft. (min)	50 ft. (min)

\* Curb Line Width

2. General STREET Arrangement

- A. The location, width and classification of all STREETS shall conform to the Manheim TOWNSHIP COMPREHENSIVE PLAN, Manheim TOWNSHIP Comprehensive Traffic Study, the Zoning ORDINANCE of the TOWNSHIP and Appendix I, attached to and made a part of this ORDINANCE with respect to STREET classification.
- B. Proposed STREETS shall further conform to such County and State STREET and highway plans as have been prepared, adopted and/or filed as prescribed by law.
- C. STREETS shall be logically related to the topography so as to produce reasonable GRADES, satisfactory drainage and suitable BUILDING sites.
- D. Residential STREETS shall be designed to discourage through traffic; however, the arrangement of STREETS shall provide for the continuation of existing or platted STREETS and proper ACCESS to adjoining undeveloped tracts suitable for future SUBDIVISION.
- E. All required IMPROVEMENTS including but not limited to existing and new STREETS, sanitary sewer and water line interceptor systems, storm drainage systems and all other IMPROVEMENTS shall be installed in the RIGHTS-OF-WAY of existing and /or new STREETS, and shall be extended to the boundary line of the DEVELOPMENT, as required, to provide ACCESS to adjacent lands. All such existing and/or new STREETS and all required IMPROVEMENTS to be located within the RIGHTS-OF-WAY of such existing and/or new STREETS shall be so designed as to accommodate the future needs of the TOWNSHIP with respect to STREET circulation patterns and utility alignment.
- F. If LOTS resulting from original SUBDIVISION are large enough to permit re-SUBDIVISION or if a portion of the tract is not subdivided, adequate RIGHTS-OF-WAY for STREETS and other required IMPROVEMENTS shall be provided as necessary to permit further SUBDIVISION.
- G. Half STREETS at the perimeter of the DEVELOPMENT or partial STREETS with less than required right of way or CARTWAY width shall not be permitted.
- H. Where a DEVELOPMENT abuts a collector major or ARTERIAL STREET, the Board of COMMISSIONERS may require the use of local STREETS, REVERSE FRONTAGE LOTS or such other treatment that will provide protection for abutting properties, reduce the number of intersections with the major STREET, and separate the local and through traffic.

- I. STREETS that are extensions of or obviously in alignment with existing STREETS shall bear the names of the existing STREETS. STREET names shall not be repeated within the TOWNSHIP and all STREET names shall be subject to the approval of the appropriate local postmaster.
- J. Whenever design standards for required STREET IMPROVEMENTS are not specified by the Board of COMMISSIONERS, the applicable standard requirements of the Pennsylvania Department of Transportation shall govern.
- K. All existing TOWNSHIP STREETS at the perimeter and/or through the DEVELOPMENT shall be reconstructed according to TOWNSHIP specifications: (1) if an existing TOWNSHIP STREET lies at the perimeter of the DEVELOPMENT, it shall be to the center line of the STREET; and (2) if an existing TOWNSHIP STREET lies through the DEVELOPMENT, it shall be reconstructed to the full width of the STREET as required by the TOWNSHIP specifications and design standards.

3. Cul-de-sac and Dead-End STREETS

- A. The center line distance of CUL-DE-SAC STREETS shall be greater than two hundred fifty (250) feet in length and shall not exceed eight hundred (800) feet in length. The length of the CUL-DE-SAC STREET shall be measured from the intersection of the intersecting STREETS edge of CARTWAY and centerline of cul-de-sac to the terminace of the cul-de-sac CARTWAY. CUL-DE-SAC STREETS must be provided with a paved turn-around with a minimum diameter of eight-four (84) feet to the outside curb and of one hundred (100) feet to the STREET RIGHT-OF-WAY line ( For Measurement See Appendix IX).
- B. The minimum GRADE on cul-de-sacs shall be designed to ensure a minimum of one (1%) percent along the curb line to the designed low points.
- C. Dead-end STREETS shall be prohibited except when designed for the future STREET extension into adjoining tracts or APPROVED for staged DEVELOPMENT.
- D. Any STREET temporarily dead-ended in order to provide for future continuation of the STREET into adjoining property or for authorized stage DEVELOPMENT shall be fully constructed and all utilities installed. A barrier to prevent vehicular ACCESS to adjoining property shall be constructed at the termination point of the STREET.
- E. Where any adjacent stub STREET is not proposed for extension as through STREETS, a cul-de-sac shall be constructed in compliance with TOWNSHIP standards.

4. Horizontal Alignment

- A. Horizontal curves shall be used at all horizontal alignment deflections in excess of two (2) degrees.
- B. There shall be a tangent of at least hundred (100) feet between reverse curves for all local and COLLECTOR STREETS.

5. Vertical Alignment

- A. Vertical curves shall be used in charges of GRADE exceeding one (1%) percent. To provide proper sight distances, the minimum length (in feet) of vertical curves shall be as follows: for collectors, eighty - five (85) times the algebraic difference in GRADE; for local STREETS, thirty (30) times the algebraic difference in GRADE.
- B. At STREET intersections, the through STREET shall be approached by side STREETS in accordance with the following standards; where the GRADE of the side STREET exceeds four (4%) percent, there shall be a leveling AREA on the side STREET within which no GRADE shall exceed a maximum of four (4%) percent for a minimum distance of one hundred (100) feet (measured from the intersection of the centerlines of the STREETS). No side STREET shall intersect a through STREET when the through STREET exceeds seven (7%) percent in GRADE.

6. Intersections

- A. No more than two (2) STREETS shall intersect at the same point.
- B. Right angle intersections shall be used.
- C. Two (2) STREETS intersecting at opposite sides of a through STREET shall intersect at their centerlines or their centerlines shall be offset by a minimum of two hundred (200) feet.
- D. Intersections with COLLECTOR STREETS entering into collector and ARTERIAL STREETS shall not be located less than one thousand (1,000) feet apart as measured from centerline to centerline of the intersecting STREETS.
- E. With the exception of an intersection of an ACCESS DRIVE and STREET or ACCESS DRIVE and ACCESS DRIVE, a one hundred (100) foot clear SIGHT TRIANGLE shall be provided and maintained at all intersections, the triangle shall be established by measuring one hundred (100) feet from the point of intersection of the center lines of the STREETS. These lines shall be indicated on all plans. No BUILDING, planting, fencing or other OBSTRUCTION that would obscure the vision of a motorist within the clear sight AREA shall be permitted. This

requirement shall not apply to traffic signals, traffic signs, STREET name signs, public utility poles and similar type STRUCTURES.

- F. All intersections shall be designed to provide minimum Safe Stopping Sight Distance (SSSD) with regard to both horizontal and vertical alignment. The sight distance shall be measured at the centerline of the CARTWAY from a height of three and one-half (3.5) feet above the pavement and ten (10) feet from the edge of the paving to an object located along the adjacent STREET, six (6) inches above the pavement see Appendix IV which identifies the location of the measurements and Appendix III which identifies the minimum sight distances. No OBSTRUCTIONS, grading and/or plantings shall be placed within the determined sight distances that would obscure the vision of a motorist.
- G. STREET name signs shall be installed at all intersections and their design shall be APPROVED by the TOWNSHIP. All signing shall identify both intersecting STREETS. Regulatory signs shall be installed at all locations identified by a traffic circulation study prepared by the DEVELOPER and deemed appropriate by the Board of COMMISSIONERS and shall conform to TOWNSHIP specifications.
- H. All STREETS intersecting a State Highway shall be subject to the approval of the Pennsylvania Department of Transportation.
- I. Handicapped accessible ramps shall be provided at each proposed intersection, at the principal entrances to BUILDINGS which front on PARKING LOTS, and at all CROSSWALKS. All ramps are to be in accordance with the Manheim TOWNSHIP IMPROVEMENTS Specifications Manual.

## 7. PRIVATE STREETS

- A. PRIVATE STREETS are to be discouraged within SUBDIVISIONS, unless adequate off-STREET parking is shown to exist and the DEVELOPER provides adequate evidence to guarantee proper maintenance of all IMPROVEMENTS in the form of deed restrictions, LOT owner association agreements or other acceptable provisions.
- B. STREETS providing circulation between adjacent LAND DEVELOPMENTS (existing or proposed) shall be public STREETS and shall be connected directly to another public STREET. All other STREETS within a LAND DEVELOPMENT are permitted to remain private.
- C. PRIVATE STREETS shall not be offered for dedication in the future unless they meet all public STREET design standards in effect at the time of offer of dedication.

- D. There shall be a note on each preliminary and FINAL PLAN indicating those STREETS that are not intended for dedication.
- E. PRIVATE STREETS shall adhere to all design, CONSTRUCTION and sign standards applicable to a public STREET except for those standards which PRIVATE STREETS are specifically excluded in this ORDINANCE.
- F. Traffic signals shall be prohibited at all proposed private entrances to public STREETS. Traffic signals shall also be prohibited at all intersections involving two PRIVATE STREETS.

8. ACCESS DRIVES

- A. Any property which utilizes an ACCESS DRIVE shall have frontage along a public or PRIVATE STREET.
- B. A note shall be included on the plan indicating that the ACCESS DRIVE will not be dedicated to the TOWNSHIP and that the owner of the property will own and maintain the ACCESS DRIVE.
- C. Each travel lane shall be a minimum of twelve (12) feet wide unless other conditions such as the intended use and function of the ACCESS DRIVE warrants additional CARTWAY or turning lanes.
- D. Vertical and horizontal alignment of ACCESS DRIVES shall be designed to conform to STREET standards as stated in Section 803.4. and 803.5. and to provide for safe and convenient movement of traffic within the developed site.
- E. Parking is prohibited along ACCESS DRIVES. Signage regarding the prohibition of parking along the ACCESS DRIVE shall be provided.
- F. ACCESS DRIVE intersection separation requirements shall be as follows:
  - (1) ACCESS DRIVE intersections with STREETS shall coincide with the intersection of existing ACCESS DRIVES and STREETS located on the opposite side of the STREET. If alignment is not possible, the intersections shall be offset 100' as measured along the centerline for local STREETS and 200' for major STREETS (See Appendix I for STREET Classifications).
  - (2) ACCESS DRIVES located on the same side of the intersecting STREET shall maintain a separation distance of fifty (50) feet measured from centerline to centerline along local STREETS and one-hundred (100) feet measured along centerline to centerline along collector or ARTERIAL STREETS. ACCESS DRIVE intersections with other ACCESS DRIVES

within the site shall not be subject to such restrictions.

- G. Wherever practical joint ACCESS DRIVES should be utilized for adjoining users to eliminate numerous ACCESS DRIVE intersections.
- H. Proper sight distance shall be provided at ACCESS DRIVE intersections with existing STREETS according to the requirements of Section 803.6.F.
- I. A seventy-five (75) foot clear SIGHT TRIANGLE should be provided at the intersection of an ACCESS DRIVE with an ACCESS DRIVE and at the intersection of an ACCESS DRIVE with a STREET. The triangle shall be established by measuring seventy-five (75) feet from the point of intersection of the centerlines of the ACCESS DRIVES or STREET. These lines shall be indicated on all plans. No BUILDING, planting, fencing or other OBSTRUCTION that would obscure the vision of a motorist within the clear sight AREA shall be permitted.
- J. ACCESS DRIVE separation requirements shall comply with Manheim TOWNSHIP Zoning ORDINANCE
- K. The CARTWAY of all ACCESS DRIVES that are located within TOWNSHIP STREET RIGHTS-OF-WAY shall be constructed to STREET standards.
- L. Curb and sidewalk should be provided along all ACCESS DRIVES.

## 9. STREET Widths

- A. Provisions for additional RIGHT-OF-WAY and/or CARTWAY width may be required by the Board of COMMISSIONERS in specific cases for:
  - (1) Public safety and convenience;
  - (2) ACCESS to off-STREET parking in commercial and industrial AREAS and in AREAS of high DENSITY residential DEVELOPMENT.
  - (3) The addition of a BICYCLE LANE.
- B. The extension of existing STREETS which are presently constructed with a CARTWAY different from the standards of this ORDINANCE shall be provided with a transition AREA, the design of which shall be subject to approval by the Board of COMMISSIONERS.

## 10. CONSTRUCTION

- A. STREETS shall be installed in accordance with the specifications and standards of the TOWNSHIP as set forth in the Manheim TOWNSHIP IMPROVEMENTS



Specifications Manual or in lieu of such standards, in accordance with the standards of the Pennsylvania Department of Transportation Form 408, as amended.

- B. STREETS shall be finish graded to the full width of the right of way, surfaced, and improved to the GRADES and dimensions shown on the plans, profiles, and cross-sections submitted by the DEVELOPER and APPROVED by the Board of COMMISSIONERS.
- C. Maximum slopes of banks measured perpendicular to the center line of the STREET shall be three to one (3:1) in FILL AREAS and two to one (2:1) in cut AREAS beyond the RIGHT-OF-WAY limit line.
- D. Prior to placement of STREET sub-base a sub-surface drainage system shall be installed in all STREETS in accordance with the Manheim TOWNSHIP Improvement Specifications Manual.

#### **SECTION 804. CURBS**

1. Curbs shall be required along all proposed STREETS in SUBDIVISIONS, along all proposed STREETS and parking compounds in LAND DEVELOPMENTS, and along all existing STREETS in and abutting both SUBDIVISIONS and LAND DEVELOPMENTS. The DEVELOPER shall submit the location and GRADE of all curbs to the TOWNSHIP for consideration.
2. Curbs shall be installed to the dimensions and CONSTRUCTION standards of the TOWNSHIP or, in lieu of such standards, in accordance with the standards of the Pennsylvania Department of Transportation Form 408, as amended.
3. Standard straight curb shall be required along all State Highways and along all TOWNSHIP STREETS which the TOWNSHIP has classified as collector. Standard rolled curb shall be required along all other STREETS.
4. PIPES grates and other materials shall not be placed in the curb gutters to form a DRIVEWAY ramp.
5. The transition from one type of curb to another type shall occur at a STREET intersection as directed by the TOWNSHIP Board of COMMISSIONERS.
6. Depressed straight curb at DRIVEWAYS shall be a minimum of one (1) inch above the STREET surface. The length of this depressed curb shall not exceed thirty-five (35) feet without a safety island. This safety island shall not be less than fifteen (15) feet in length.
7. All curbs shall conform to specifications for Class A Concrete, as specified by the Pennsylvania Department of Transportation Form 408, as amended, with a minimum compressive strength of 4,000 pounds per square inch after twenty-eight (28) days.

**SECTION 805.       SIDEWALKS**

1. Sidewalks shall be required along both sides of all STREETS in all SUBDIVISIONS and along all abutting existing or new STREETS of proposed SUBDIVISIONS and LAND DEVELOPMENTS.
2. Sidewalks shall be provided along all new STREETS and parking compounds located in LAND DEVELOPMENTS unless it can be shown to the satisfaction of the Board of COMMISSIONERS that the sidewalk is not located close to pedestrian generator, will not continue a sidewalk on an existing road, will not provide a link between existing and/or proposed sidewalks.
3. When sidewalks are required, they shall be installed to the dimensions and CONSTRUCTION standards of the TOWNSHIP or, in lieu of such standards, in accordance with the standards of the Pennsylvania Department of Transportation Form 408, as amended.
4. Sidewalks shall be four (4) feet wide, except along COLLECTOR STREETS, and adjacent to shopping centers, schools, recreation AREAS, and other community facilities, where they shall be a minimum of five (5) feet wide.
5. Sidewalks shall be located within the STREET right of way one (1) foot from the right of way line. A grass planting strip shall be provided between the curb and sidewalk unless otherwise APPROVED by the Board of COMMISSIONERS.

**SECTION 806.       MONUMENTS AND MARKERS**

1. Permanent frost-proof monuments shall be accurately placed along the streetline at least on one side of each STREET at the beginning and end of all curves and at all curves and at all angles.
2. Markers shall be set at locations shown on the FINAL PLANS as follows:
  - A. At all points where LOT lines intersect curves, either front or rear;
  - B. At all angles in property lines of LOTS;
  - C. At all other LOT corners.
3. Monuments shall have a flat top having a minimum width or diameter of four (4) inches and a minimum length of forty-two (42) inches. They shall also be marked on the top with a proper inscription or a drill hole. Markers shall consist of iron PIPES or steel bars at least thirty (30) inches long and not less than three-quarters (3/4) of an inch in diameter and frost-proof.

4. Monuments and markers shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surface on the surrounding ground.

#### **SECTION 807. BLOCKS**

1. In general all BLOCKS in a residential SUBDIVISION shall have a maximum length of one thousand two hundred (1,200) feet. BLOCK lengths shall be measured along the STREET centerlines from intersection to intersection. BLOCKS subdivided into LOTS shall be two (2) LOT depths in width, except REVERSE FRONTAGE LOTS along a collector or ARTERIAL STREET which front on a local interior STREET.
2. In all DEVELOPMENTS, the BLOCK layout shall consider the topography and character of the site, protect environmentally sensitive AREAS, minimize clearing, grading and the removal of TREES, provide for sufficient traffic circulation and ACCESS for emergency vehicles and reinforce the best design of units in the AREA. Additionally, in commercial and industrial AREAS, the BLOCK layout shall be designed to make delivery and pick-up efficient and allow for the most efficient arrangement of space for present use and future expansion, with due regard for worker and customer ACCESS and parking.
3. In large BLOCKS with interior parks and playgrounds, in exceptionally long BLOCKS where ACCESS to a school or shopping center is necessary, or where cross STREETS are impractical or unnecessary, a cross-walk with a minimum right of way width of twelve (12) feet and a minimum paved CARTWAY width of five (5) feet may be required by the Board of COMMISSIONERS.

#### **SECTION 808. LOTS**

1. LOTS proposed shall conform to the TOWNSHIP Zoning ORDINANCE.
2. All LOTS shall abut on a public STREET, or shall have ACCESS to an APPROVED PRIVATE STREET.
3. In general, side LOT lines shall be at right angles or radial to STREET LINES.
4. If, after subdividing, there exist remnants of land, they shall be included in the AREA of proposed or existing LOTS.
5. DOUBLE FRONTAGE LOTS are prohibited.
6. Flag LOTS are prohibited.
7. REVERSE FRONTAGE LOTS are permitted.

8. LOT lines shall, where possible, follow TOWNSHIP boundary lines rather than cross them. All LOTS in the TOWNSHIP must front along a STREET in the TOWNSHIP in order to facilitate provision of services by the TOWNSHIP.

**SECTION 809. PARKS AND RECREATION DEDICATION AND FEES IN LIEU OF DEDICATION** (Amended by Ordinance 2012-17, dated 11/26/12)

1. Purpose – The parks and recreation system enriches the community through the conservation of natural resources, recreation opportunities and support active healthy lifestyles, and connections that bring together people, places and our heritage. The purpose of this Section is to implement Section 501 (11) of the MUNICIPALITIES PLANNING CODE and the findings and recommendations found in the Manheim Township Comprehensive Plan of 2010, the Manheim Township Recreation, Park, Greenways & Open Space Plan of 2011 and the Lancaster Intermunicipal Committee Regional Parks and Open Space Plan, or any corresponding future laws or plans whereby this Section sets forth the regulations to:
  - A. Acquire parkland through the mandatory dedication of land when residential or mixed use development is proposed or expanded;
  - B. Secure parkland for the protection of important OPEN SPACES and natural resources through acquisition of conservation and access easements;
  - C. Expand existing park sites through acquisition of contiguous acreage where possible; and
  - D. When appropriate, collect a fee-in-lieu of dedication in order to help accomplish the following:
    - (1) Provide for adequate recreational areas and facilities to serve the residents of the TOWNSHIP.
    - (2) Provide for larger more usable recreational areas.
    - (3) Protect natural resources and environmentally sensitive areas.
    - (4) Provide residents the opportunity to engage in a variety of active and passive recreational leisure activities where residents can have fun, experience nature, socialize and exercise in harmony with nature and the environment.
    - (5) Provide recreational activities that include parks, playgrounds, playing fields swimming pools, golf courses, hiking and biking trails, picnic areas, scenic outlooks, and landscaped plazas, GREENWAYS and OPEN SPACES.

- (6) Provide interconnectivity to OPEN SPACE within a development, to link OPEN SPACE between developments, to link OPEN SPACE with our neighboring municipalities and to create over time, a continuous system development and to the community.
  - (7) These requirements are intended primarily for recreation purposes rather than environmental protection purposes; however, it is not the intent to prohibit parks, OPEN SPACE or recreation facilities in environmentally sensitive areas if compatible with the primary recreation goals of this Section.
- 2. The provisions herein shall apply to subdivision and land development proposals that would create new or expand existing residential and missed use development.
- 3. The here in provisions are in addition to any clustering provisions or COMMON OPEN SPACE requirements applicable to Planned Residential Developments, Planned Commercial Developments and R-5 Overlay – Oregon Village Overlay developments that are outlined in the Manheim Township Zoning Ordinance.
- 4. The herein provisions shall not apply to the following:
  - A. Any residential subdivision or land development project or any mixed use subdivision or land development project with a residential component which protected by the MUNICIPALITIES PLANNING CODE from these intervening ordinance amendments.
  - B. Any residential subdivision or land development project or any mixed use subdivision or land development project with a residential component that contains less than one hundred (100) dwelling units. However the fee-in-lieu of dedication shall apply as specified in Section 809.8. If the APPLICANT or DEVELOPER is unwilling to pay the applicable fee-in-lieu of dedication, then this exemption shall not apply and land must be dedicated to the TOWNSHIP as otherwise required by this ORDINANCE.
  - C. Any lot add-on subdivision plans or lot line adjustments plan where no new residential or mixed use development is proposed.
- 5. Amount - The TOWNSHIP shall calculate the amount of land needed for park, playground, OPEN SPACE or other recreational use as follows:
  - A. Residential or Mixed Uses
    - (1) Verifying the number of DWELLING units which are proposed to be constructed or LOTS which are to be subdivided as shown on the FINAL PLAN application;

- (2) For residential or mixed use SUBDIVISIONS a minimum of 0.04 acres or approximately 1,742.4 square feet of land for each LOT shall be dedicated for recreational use.
  - (3) For residential or mixed use LAND DEVELOPMENT, a minimum 0.04 acres or approximately 1,742.4 square feet of land for each DWELLING unit shall be dedicated for recreational use.
6. Characteristics - Land proposed to be dedicated for park and recreation purposes shall not be accepted unless the COMMISSIONERS determine that it meets the following standards:
  - A. The OPEN SPACE/recreational area shall provide access to existing OPEN SPACE and recreational uses and shall be conveniently accessible to residents throughout the development.
  - B. The OPEN SPACE/recreational area may be used to protect environmentally sensitive lands or resources with approval from the COMMISSIONERS.
  - C. Minimum Size. All land proposed to be dedicated for park and recreation purposes shall be of sufficient size for the proposed active or passive recreation uses.
  - D. Slope. At least half of any land area proposed for park and recreation purposes shall have a slope of less than ten (10) percent and shall be appropriate for active recreation uses. Steep slopes of ten (10) percent or greater, may be accepted if they are suitable for passive recreation.
  - E. Floodplain. At least half of any land area proposed to be dedicated for park and recreation purposes shall be above the 100 year flood elevation and shall be appropriate for active recreation uses. Up to fifty (50) percent of land below the 100-year flood elevation may be accepted if it is suitable for passive recreation activities.
  - F. WETLANDS. Some types of WETLANDS may also be applied towards an OPEN SPACE/recreation requirement, so long as no more than twenty-five (25) percent of the dedicated area is composed of WETLANDS.
  - G. Accessibility and Usability. Land shall be usable, accessible to the development required to dedicate the land and to the general public for active or passive recreation activities. No public street shall traverse the recreational area.

- H. Applicants designing and developing public OPEN SPACE and recreation areas shall design such facilities in accordance with the standards established by the National Recreation and Park Association or other similar standards and provide evidence as to how these standards were incorporated into the reservation and design of the public OPEN SPACE and recreation areas.
  - I. Sites for public use shall be easily accessible to essential utilities, such as public water, public sewer and electric.
  - J. Land for dedication shall not contain stormwater management facilities.
  - K. Land shall be configured to serve the residents adequately and conveniently.
  - L. If adjacent property to the subject parcel is undeveloped, the COMMISSIONERS may require that recreation areas for the subject development be provided at the property boundary of the development so that additional lands for park and recreational purposes may be added to the lands in the future when the adjacent property is developed.
  - M. If adjacent property to the subject parcel is developed and recreation areas are provided at the boundary of the previously developed property, the COMMISSIONERS may require that recreation areas for the subject property be provided at the property boundary adjacent to the existing recreational land.
  - N. Pedestrian connections shall be provided from the subject property to adjacent parks, schools, recreational facilities, GREENWAYS, neighborhoods, shopping areas, town centers, public facilities and other destinations.
  - O. All publicly dedicated OPEN SPACES and recreational facilities shall be Americans with Disabilities Act compliant.
7. Private Reservation of Land or Construction of Recreational Facilities in lieu of Dedication - In lieu of dedicating land, a developer may voluntarily agree with the consent of the TOWNSHIP to construct recreational facilities or reserve private land as COMMON OPEN SPACE, subject to the standards of this subsection.
- A. Construction of Recreational Facilities.
    - (1) Character of Facilities. A developer may construct any facilities identified in the Manheim Township Recreation, Park, Greenways and Open Space Plan or as approved by the COMMISSIONERS.
    - (2) Accessibility. Any recreation facility shall be accessible to residents of the subdivision or development and other members of the general public.

B. Reservation of Private OPEN SPACE.

- (1) Amount. The amount of land required to be dedicated under Section 809.5, above, shall be reserved as private OPEN SPACE.
- (2) Dimensions and Character. The amount, dimensions and character of the reserved OPEN SPACE shall meet the standards for dedicated OPEN SPACE, as set forth in Subsection 809.6, above.
- (3) Accessibility. Private OPEN SPACE shall consist of land or water within the site, designed and intended for the use of enjoyment of residents of the subdivision or development.
- (4) Ownership. Ownership shall be provided in accordance with Section 2215. OWNERSHIP OF COMMON OPEN SPACE of Manheim Township Zoning Ordinance or any corresponding future section of the Manheim Township Zoning Ordinance.
- (5) Maintenance
  - (a) Maintenance of OPEN SPACE areas intended to remain in a natural condition is limited to removal of litter, dead trees, brush and plant materials. Natural WATERCOURSES are to be maintained as free-flowing and devoid of debris. Stream channels shall be maintained so as not to alter FLOODPLAIN levels.
  - (b) Trees, shrubs and other living vegetation in landscaped areas shall be properly pruned, kept in a neat appearance and removed and replaced if dead.
  - (c) Recreation facilities and equipment shall be kept in good repair. Concrete or asphalt surfaces shall be repaired to eliminate cracks, potholes or other potential hazards to park users.
  - (d) Sidewalks, bike lanes, and other pathways shall be maintained in a clean and safe condition, free of cracks, chuck holes, glass, debris and other potential hazards to users.
  - (e) In the event that any private owner of OPEN SPACE fails to maintain the OPEN SPACE according to the standards of this section, the TOWNSHIP may, following reasonable notice, demand that the maintenance deficiency be corrected or enter the OPEN SPACE to maintain it. The cost of such maintenance shall be charged to those persons having primary responsibility for maintenance of the OPEN SPACE and, in default of such payment,



the TOWNSHIP may cause a municipal lien to be imposed upon such OPEN SPACE.

8. Fees in Lieu of Land Dedication.

A. In lieu of dedicating land, a developer may agree with the consent of the TOWNSHIP to pay fees-in-lieu of land dedication, subject to the standards of this subsection.

(1) Amount. The amount of the fee shall be equal to the fair market value of land based on the unimproved land value.

(a) The amount of the fee in lieu of payment, shall represent the fair market value of the land required to be dedicated as specified in Section 809.5, above.

(b) The APPLICANT shall provide the TOWNSHIP with all information necessary to determine the fair market value of the land, including, but not limited to, the following:

[i] If the APPLICANT is the equitable owner, or purchased the land in fee simple less than two (2) years prior to the Preliminary or Final Plan submission, a copy of the agreement of sale or real estate transfer tax affidavit of value.

[ii] If the APPLICANT is the equitable owner, or purchased the land in fee simple more than two (2) years prior to the Preliminary or Final Plan submission, an opinion of value of the property by a state certified appraiser acceptable to the TOWNSHIP.

(c) The fair market value shall be computed by dividing the total price for the tract by the number of acres within the tract and then multiplying that number by the amount of land required to be dedicated.

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

B. Timing of Payment. The fee-in-lieu of dedication shall be paid to the TOWNSHIP in one lump sum prior to the recording of the FINAL PLAN.

- C. Earmarking. All monies paid to the TOWNSHIP in this manner shall be placed in an interest bearing-account as provided by law, which shall clearly identify the facility for which the fee was collected. Interest earned on the account shall become part of that account. Fees collected shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.
- D. Use of Funds. All fee-in-lieu of dedication payments received pursuant to this Section shall be used solely and exclusively for the acquisition of land for parks, playground, OPEN SPACE or other recreational sites and the CONSTRUCTION of IMPROVEMENTS thereon, and for costs incidental and ancillary to such purposes, including, but not necessarily limited to planning, engineering, and design of the park and IMPROVEMENTS, utility relocation, provision of pedestrian and/or vehicular ACCESS and purchase of park equipment. Payments received pursuant to this Section shall only be used for land or IMPROVEMENTS specifically included in the Manheim Township Recreation, Park, Greenways and Open Space Plan and accessible to the DEVELOPMENT.
- E. Refunds. Upon request of any person who paid any fee-in-lieu of dedication, the TOWNSHIP shall refund such fee-in-lieu of dedication, plus interest accrued in accordance with the MUNICIPALITIES PLANNING CODE if a timely written claim therefor is filed.
- F. Waiver. An APPLICANT, DEVELOPER or other person paying any fee under this Section may waive any right to refund the fee in whole or in part, any limitations on the use of the fee, the time within which the fee must be utilized or any other requirement pertaining to the payment and use of fees-in lieu of dedication.

**SECTION 810. GREENWAYS/LINEAR TRAILS**  
 (Amended by Ordinance 2012-17, dated 11/26/12)

- 1. Purpose. The establishment of GREENWAYS and LINEAR TRAILS provide an important means to accomplish the following:
  - A. Implement the findings and recommendations found in the Manheim Township Comprehensive Plan of 2010, the Manheim Township Recreation, Park, Greenways & Open Space Plan of 2011 and the Lancaster Inter-Municipal Committee Regional Parks and Open Space Plan.
  - B. Conservation of environmentally sensitive lands and natural resource areas.
  - C. Preservation of vegetation and wildlife habitat.

- D. Connection between parks, schools, recreational facilities, GREENWAYS, neighborhoods, shopping areas, town centers, public facilities and other destinations.
  - E. Connection between OPEN SPACE and recreation areas in neighboring municipalities.
  - F. Coordination with neighboring municipalities, Lancaster Inter-Municipal Committee and Lancaster County regarding regional GREENWAYS and other LINEAR TRAILS opportunities.
2. The establishment of GREENWAYS and LINEAR TRAILS which are available for public use also provide a variety of recreational and educational benefits. LINEAR TRAILS for walking, hiking, biking, and equestrian use, whether located within GREENWAYS or in more urban locations, are important facilities for recreation as well as for non-motorized transportation. Both GREENWAYS and LINEAR TRAILS must occupy continuous, linear land corridors and cannot be effectively contained within individual parcels of land. The purpose of this Section is therefore to provide that land which is delineated as GREENWAYS or LINEAR TRAILS in the adopted Manheim Township Comprehensive Plan of 200, Manheim Township Recreation, Park, Greenways and Open Space Plan of 2011 or on an official map of Manheim Township, be dedicated or reserved for such use when land is subdivided or developed.
3. Dedication or Reservation of Proposed GREENWAYS and LINEAR TRAILS. The COMMISSIONERS may require as a condition of final plan approval the dedication, reservation and/or improvement of LINEAR TRAILS and GREENWAYS which traverse a proposed subdivision or land development. The land and improvements required by this Section may be credited pro tanto against, but does not replace, the requirements of Section 809 of this ORDINANCE for the provision of dedication of OPEN SPACE, recreational facilities, and OPEN SPACE amenities in residential and mixed use subdivisions and land developments, or the payment of fee-in lieu thereof provided:
- A. That the land offered for dedication, reservation and/or improvement is designated as a LINEAR TRAIL or GREENWAY on an adopted Manheim Township Comprehensive Plan, Manheim Township Recreation, Park, Greenways and Open Space Plan or official map of Manheim Township.
  - B. The ownership of the land for GREENWAYS and LINEAR TRAILS not publicly dedicated is established and is consistent with Section 2215. OWNERSHIP OF COMMON OPEN SPACE, of the Manheim Township Zoning Ordinance.
  - C. The agreement addressing ownership responsibilities shall also clearly define the maintenance responsibilities.
  - D. Any LINEAR TRAIL intended for dedication to the TOWNSHIP shall be designed in accordance with TOWNSHIP standards.

- E. Any GREENWAY whether intended for dedication or intended for private reservation shall contain a vegetated riparian buffer consisting primarily of native species.
  - F. The minimum width of an easement containing a LINEAR TRAIL which crosses private land is twenty (20) feet. The minimum width of an easement containing a GREENWAY shall be dependent on the WATERCOURSE.
4. Limits on Requirement. The TOWNSHIP shall not require the dedication or reservation of land for GREENWAYS or LINEAR TRAILS which exceeds the requirements of Section 809 of this ORDINANCE for the provision of OPEN SPACE in residential and mixed use developments which are applicable to the property being developed.

**SECTION 811. BUILDING SETBACK LINES**

BUILDING SETBACK LINES shall comply with the requirements of the Manheim TOWNSHIP Zoning ORDINANCE.

**SECTION 812. EASEMENTS**

- 1. To the fullest extent possible, EASEMENTS shall be centered on or be adjacent to LOT lines.
- 2. Nothing shall be placed, planted, set or put within the AREA of an EASEMENT that would adversely affect the function of the EASEMENT or conflict with the EASEMENT agreement.
- 3. All proposed and existing utilities which are not to be dedicated shall be located outside the STREET RIGHT-OF-WAY, except for perpendicular crossing. Mainline crossings shall be encased in conduit.
- 4. Utility companies who have registered with the Lancaster County Recorder of Deeds indicating they have utilities located within the TOWNSHIP shall be contacted by the DEVELOPER prior to any CONSTRUCTION.
- 5. The APPLICANT shall reserve EASEMENTS where storm water or surface water management facilities are existing or proposed in accordance with the Manheim TOWNSHIP STORMWATER MANAGEMENT ORDINANCE.
- 6. The plans shall clearly identify who has the right of ACCESS and responsibility of maintaining all EASEMENTS.

### **SECTION 813. SANITARY SEWAGE DISPOSAL**

1. The method of sanitary sewage disposal shall be APPROVED by the Board of COMMISSIONERS.
2. Public sanitary sewerage IMPROVEMENTS shall be constructed in accordance with the standards of the appropriate sewer AUTHORITY. Whenever standards for such sanitary sewerage IMPROVEMENTS are not specified by the sewer AUTHORITY, the applicable standard requirements of the Pennsylvania Department of Environmental Protection shall govern, and all work shall be performed in the manner prescribed in the standard specifications for sanitary sewer CONSTRUCTION of said Department for the type of CONSTRUCTION under consideration.
3. When a public sanitary sewerage system is not available, each LOT in a DEVELOPMENT shall be provided with an individual on-LOT sanitary sewage disposal system in accordance with all applicable standards of the Pennsylvania Department of Environmental Protection.
4. If an on-site sewage disposal system is to be used, APPLICANT shall certify the following:
  - A. That all Pennsylvania Department of Environmental Protection requirements then in effect for on-site sewer systems have been met.
  - B. Plan approval will be granted only upon such certification and upon the written verification of the TOWNSHIP Sewage Enforcement Officer.
  - C. If the certification/verification called for in the preceding paragraphs cannot be supplied, then APPLICANT must provide written proof that the site will be served by PUBLIC SEWER by the time any application for a CERTIFICATE OF USE AND OCCUPANCY is filed by APPLICANT or its successors.
  - D. If PUBLIC SEWER is required as provided herein, no CERTIFICATE OF USE AND OCCUPANCY shall be issued by the TOWNSHIP until the APPLICANT certifies that all fees, including, but not limited to, tapping and impact fees as may be required by this ORDINANCE, the Manheim TOWNSHIP Zoning ORDINANCE or other TOWNSHIP ORDINANCES or regulations have been paid as required therein. The CERTIFICATE OF USE AND OCCUPANCY shall not be issued until such PUBLIC SEWER is actually available at the site.

5. Where feasibility studies of the TOWNSHIP indicate that CONSTRUCTION or extension of a public sewerage system appears probable within a reasonable time, the Board of COMMISSIONERS may require the installation of capped sewer mains and house connections in addition to the installation of individual on-LOT sanitary sewage disposal systems. It shall be the responsibility of the TOWNSHIP to inspect and approve the design and installation of such facilities.
6. Prior to the CONSTRUCTION of any PUBLIC SEWER extension, a pretreatment plant, or other similar sewer facility, a water quality management application or a sewer extension application, where applicable, shall be submitted by the DEVELOPER to the appropriate AUTHORITY.
7. Where LOTS are being served with a private force lateral sewer system, and where the ownership and maintenance of such private systems shall be the responsibility of the LANDOWNERS of the LOTS, a description of such private sewer system and the terms of the LANDOWNER'S required maintenance shall be noted on the recorded plan and shall be incorporated as part of the deed to each affected LOT.
8. Sanitary sewer EASEMENTS shall be no less than thirty (30) feet in width, the sewer PIPE shall be centered within the EASEMENT. The EASEMENT shall be reserved only for sanitary sewer.
9. All required sanitary sewer IMPROVEMENTS shall be extended to the boundary line of the DEVELOPMENT, as required, to provide ACCESS to sewer service by adjacent lands. All such IMPROVEMENTS shall be so designed as to accommodate the future needs of the TOWNSHIP with respect to sewer service.

#### **SECTION 814. WATER SUPPLY**

1. Whenever feasible, all SUBDIVISION and LAND DEVELOPMENT shall be provided with a complete water distribution system which will be connected to a PUBLIC WATER system. The design and installation of such system shall be subject to the approval of the appropriate municipal, governmental or private AUTHORITY.
2. When connection to an existing water supply system is proposed, the FINAL PLAN application shall include a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement of a commitment or agreement to serve the AREA in question, whichever is appropriate, shall be acceptable evidence.
3. The design and installation of any local community water distribution system shall be subject to the requirements of the Pennsylvania Department of Environmental Protection, and such systems shall be further subject to satisfactory provision for the maintenance thereof.

4. When a municipal or community water supply system is not available each LOT in a DEVELOPMENT shall be provided with an individual water supply system in accordance with all applicable standards of the Pennsylvania Department of Environmental Protection.
5. If an on-site water system is to be used, APPLICANT shall certify the following:
  - A. That all Pennsylvania Department of Environmental Protection requirements then in effect for on-site water systems have been met.
  - B. That the water supply on the site has been tested according to the standards of the Federal Safe Drinking Water ACT (P.L. 93-523 (1974)), as amended, and the Pennsylvania Safe Drinking Water ACT (P.L. 206, No. 43 (1984)), as amended, and any rules or regulations promulgated thereunder, and that the quality of the water meets the requirements of those ACTS and those rules or regulations.
  - C. Compliance shall include meeting both the Primary and Secondary quality levels in effect at the time the site plan is submitted. Test methods and data shall accompany the site plan. A map or drawing showing the location of any on-site water supply system and the place or places where any test wells or holes were dug to meet the requirements of the aforesaid ACTS and rules or regulations shall also accompany the site plan.
  - D. That there shall be adequate water pressure for the proposed use.
  - E. Plan approval will be granted only upon such certification and upon the written verification of the TOWNSHIP ENGINEER to the Board of COMMISSIONERS.
  - F. If the certifications and verifications called for in the preceding paragraphs cannot be supplied, then no BUILDING PERMIT shall be granted unless APPLICANT shall provide written proof that the site will be supplied by PUBLIC WATER by the time any application for a CERTIFICATE OF USE AND OCCUPANCY is filed by APPLICANT or APPLICANT'S successors.
  - G. If PUBLIC WATER is required as provided herein, no CERTIFICATE OF USE AND OCCUPANCY shall be issued by the TOWNSHIP until such PUBLIC WATER supply is actually available at the site.
6. The TOWNSHIP has adopted a plan to extend water lines in an orderly manner and in certain AREAS of the TOWNSHIP. Where such plan, as the same may be amended, appears probable within a reasonable time, whether or not such systems shall be owned or operated by the TOWNSHIP or other municipal or governmental AUTHORITY, the Board of COMMISSIONERS shall require the installation of a complete, capped water distribution system in addition to the installation of individual on-LOT water supply systems.

7. All required water line IMPROVEMENTS shall be extended to the boundary line of the DEVELOPMENT, as required, to provide ACCESS to water service by adjacent lands. All such IMPROVEMENTS shall be so designed as to accommodate the future needs of the TOWNSHIP with respect to water service.

**SECTION 815. STORMWATER MANAGEMENT**

1. All storm water management facilities, including but not limited to, storm water carrying STRUCTURES, debris or SEDIMENT BASINS, and retention and detention STRUCTURES, shall be designed in accordance with the Manheim TOWNSHIP STORMWATER MANAGEMENT ORDINANCE.

**SECTION 816. EROSION AND SEDIMENT CONTROL**

1. All earth moving activities shall be conducted in such a way as to minimize ACCELERATED EROSION and resulting sedimentation. Measures to control EROSION and sedimentation shall, at a minimum, meet the standards of the Lancaster County Conservation District and Chapter 102 (EROSION Control) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended.
2. The EROSION and sedimentation control plan must be available at all times at the site of the activity. When required, a permit allowing earth moving activity shall be obtained by the DEVELOPER before any CONSTRUCTION on the site shall begin.
3. Approval of an EROSION and sedimentation control plan by the TOWNSHIP shall not be construed as an indication that the plan complies with the standards of any agency of the Commonwealth.

**SECTION 817. UTILITY TRANSMISSION LINES**

When any natural gas line, petroleum or PETROLEUM PRODUCTS transmission line, electric transmission line or any other cable or pipeline, traverses a DEVELOPMENT, the DEVELOPER shall confer with the applicable AUTHORITIES of the utility transmission or distribution provider to determine the minimum distance which shall be required and maintained between each proposed STRUCTURE or improvement and the transmission line, cable or pipeline.

**SECTION 818. STREET LIGHTING**

When STREET lights are proposed by the DEVELOPER, a plan for such STREET lights, APPROVED by the appropriate utility company, shall be provided by the DEVELOPER to the PLANNING COMMISSION for review and recommendation to the Board of COMMISSIONERS.



**SECTION 819. LANDSCAPING**

1. All ground surfaces in a DEVELOPMENT that are neither paved nor covered with some other solid material shall be protected with vegetative growth that is capable of preventing soil EROSION and the emanation of dust during dry weather.
2. Landscaping plans, when required, shall include a planting schedule and show locations, size and name of all TREES, shrubs, vegetative SCREENS and ground covers proposed to be installed in the DEVELOPMENT. Such plans shall be sealed by a LANDSCAPE ARCHITECT licensed to practice in the Commonwealth of Pennsylvania.
3. Only nursery-grown plant materials shall be acceptable, and all TREES, shrubs and ground covers shall be planted according to accepted horticultural standards. Dead or dying plants shall be replaced by the DEVELOPER during the following planting season.
4. TREES, shrubs or any such plantings shall not be permitted in any public STREET RIGHT-OF-WAY or public or private EASEMENT.
5. Maintenance of all landscaping done in accordance with permanent commercial, industrial and residential DEVELOPMENT identification signs shall be adequately secured by deed restrictions, LOT owner association agreement and/or other acceptable provision.

**SECTION 820. PUBLIC UTILITIES**

Except as prohibited by the Public Utility Commission, all on-site lines for public utilities, including, but not limited to, electricity, telephone, gas, and the like shall be laid underground in an APPROVED method. No FINAL PLAN approval shall be granted by the TOWNSHIP until the APPLICANT provides a letter from each such utility certifying compliance with that utilities requirement for underground lines.

**SECTION 821. TREE PROTECTION**

1. The TREE PROTECTION ZONE. Prior to CONSTRUCTION the TREE PROTECTION ZONE shall be delineated by the following methods:
  - A. The TREE PROTECTION ZONE that is delineated on the site prior to CONSTRUCTION shall conform to the APPROVED DEVELOPMENT PLANS.
  - B. All TREES scheduled to remain shall be marked; where groups of TREES exist, only the TREES on the edge need to be marked.
  - C. A forty-eight inch high snowfence mounted on steel posts, located eight feet on center, shall be placed along the boundary of the TREE PROTECTION ZONE;

- D. In addition to the TREE PROTECTION ZONE, TREES may be left standing as protection between the trunks of the TREES to be retained and the limits of grading. When additional TREES are used as protection, the TREE PROTECTION ZONE on the APPROVED plan shall be marked in the field so that the additional buffer AREA is delineated. When this method of protection is used, these additional TREES shall be removed at the time of completion of the project.
- E. When the snowfence has been installed the fencing along the TREE PROTECTION ZONE shall be maintained until all work/CONSTRUCTION has been completed; any damages to the protective fencing shall be replaced and repaired before further CONSTRUCTION shall begin.
- F. TREE being removed shall not be felled, pushed or pulled into a TREE PROTECTION ZONE or into TREES that are to be retained.

## 2. Retaining Walls

- A. When the original GRADE can not be retained at the TREE PROTECTION ZONE line, a retaining wall shall be constructed outside of the TREE PROTECTION ZONE.
- B. In addition the following methods shall be used to ensure survival of the TREES.
  - (1) The top of the wall shall be four inches above the finished GRADE line.
  - (2) The wall shall be constructed of large stones, brick, BUILDING tile, concrete BLOCKS, or treated woodbeams not less than six inches by six inches" a means for drainage through the wall shall be provided so water will not accumulate on either side of the wall; weep holes shall be required with any wall.
  - (3) Any severed roots as a result of excavation shall be trimmed so that their edges are smooth and are cut back to a lateral root if exposed.
  - (4) A layer of clean stone (sized three-quarter to one inch) shall be placed one (1) foot out from the wall to aid to drainage.

## 3. Trenching and Tunneling

- A. If there is no alternative but to locate a utility line through a TREE PROTECTION ZONE, tunneling shall be used instead of trenching except where the survival of the TREE would not be affected by either method.
- B. Trenches shall be filled as soon as possible, and tamped lightly to avoid air space.

**ARTICLE IX.        MOBILEHOME PARKS**

**SECTION 901.        REGULATIONS**

In case of any DEVELOPMENT governed by the MOBILEHOME and MOBILEHOME Park ORDINANCE of Manheim TOWNSHIP, the applicable provisions of this ORDINANCE shall be as modified by such MOBILEHOME and MOBILEHOME Park ORDINANCE and the procedures which shall be followed in the approval of any plan and the rights and duties thereto shall be governed by the provisions of such MOBILEHOME and MOBILEHOME Park ORDINANCE.

**ARTICLE X. PENALTIES AND REMEDIES; APPEALS**

**SECTION 1001. VIOLATIONS AND PENALTIES; ADDITIONAL REMEDIES**

1. Any person who shall violate any of the provisions of this ORDINANCE shall, upon being found liable therefor in a civil enforcement proceeding commenced by the TOWNSHIP, pay a judgement of not more than \$500.00 plus all court costs, including reasonable attorneys' fees incurred by the TOWNSHIP as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by a district justice. If the defendant neither pays nor timely appeals the judgement, the TOWNSHIP may enforce the judgement 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 no such violation. If the district justice makes a determination of good faith, there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute separate violation.
2. The TOWNSHIP may institute and maintain actions at law or in equity to restrain, correct or abate violations of this ORDINANCE, to prevent unlawful CONSTRUCTION, to recover damages and/or to prevent illegal occupancy of a BUILDING, STRUCTURE or premises.
3. The TOWNSHIP may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a SUBDIVISION or a LAND DEVELOPMENT of real property in violation of this ORDINANCE. The AUTHORITY to deny such permit or approval shall apply to any of the following APPLICANTS:
  - A. The owner of record at the time of such violation.
  - B. The vendee or lessee of the owner of record at the time of such violation without regard to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - C. The current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

**SECTION 1002. APPEALS**

1. Any person, partnership, corporation or organization aggrieved by any action of a qualified representative of the TOWNSHIP, may appeal to the Board of COMMISSIONERS within thirty (30) days of that action.
2. Any person, partnership, corporation or organization aggrieved by any action of the Board of COMMISSIONERS, may appeal to Lancaster County Court of Common Pleas within thirty (30) days of that action.

**SECTION 1003. VALIDITY**

Should any section, subsection, provision, sentence or part of this ORDINANCE be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ORDINANCE as a whole or any remaining section, subsection, provision, sentence or part thereof.

**SECTION 1004. EFFECTIVE DATE**

This ORDINANCE shall become effective immediately following its adoption by the Board of COMMISSIONERS of Manheim TOWNSHIP, Lancaster County, Pennsylvania.

Duly Ordained this \_\_\_ day of \_\_\_\_\_, 2014.

ATTEST:

MANHEIMTOWNSHIP COMMISSIONERS

\_\_\_\_\_  
Sean P. Molchany, Secretary

\_\_\_\_\_  
President (Vice)

## APPENDIX I

### COLLECTOR TOWNSHIP ROUTE

Airport Road	Granite Run Drive	Murry Hill Drive
Buch Avenue	Grofftown Road	Paper Mill Road
Buckwalter Road	Hess Boulevard	Pinetown Road
Bucky Drive	Hunsicker Road	Pleasure Road
Butter Road	Jake Landis Road	President Avenue
Carerra Drive	Jetstar Drive	Quarry Road
Citation Lane	John Landis Road	Richard Drive
Commerce Drive	Keller Avenue	Rutledge Avenue
Creek Road	Kissel Hill Road	Snyder Road
Delp Road	Koser Road	Stauffer Road
East Roseville Road	Kreider Road	Wagonwheel Road
Eden Road	Landis Valley Road	Weaver Road
Erb's Quarry Road	Lausch Lane	West Airport Road
Euclid Drive	Lititz Road	West Oregon Road
Falcon Lane	Marble Drive	West Roseville Road
Farmingdale Road	Marshall Avenue	Wright Avenue
Flory Mill Road	Meadow Lane	
Fountain Avenue	Millport Road	

\* Plus all future STREETS constructed in commercial and industrial zones

**APPENDIX I (CONTINUED)**

<b>COLLECTOR LEGISLATIVE ROUTE</b>	<b>ARTERIAL LEGISLATIVE ROUTE</b>	<b>LIMITED ACCESS LEGISLATIVE ROUTE</b>
Becker Road	Fruitville Pike	Route 30 Bypass
Bushong Road	Lititz Pike	Route 283 Bypass
Creek Road	Manheim Pike	Route 222 Bypass
East Oregon Road	New Holland Pike	
East Petersburg Road	Oregon Pike	
McGovernville Road	Old Harrisburg Pike	
Valley Road	McGovern Avenue	

**APPENDIX II**  
**- Sample Forms -**

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CERTIFICATION OF SURVEY ACCURACY

I hereby certify that, to the best of my knowledge, the survey shown and described hereon is true and correct to the accuracy required by the SUBDIVISION and LAND DEVELOPMENT ORDINANCE of Manheim TOWNSHIP.

\_\_\_\_\_, 20\_\_ \* \_\_\_\_\_

\*\*

\* Signature of the registered professional responsible for the preparation of the plan.

\*\* Seal of the individual

---

CERTIFICATION OF PLAN ACCURACY

I hereby certify that, to the best of my knowledge, the plan shown and described hereon is true and correct to the accuracy required by the SUBDIVISION and LAND DEVELOPMENT ORDINANCE of Manheim TOWNSHIP.

\_\_\_\_\_ 20\_\_ \* \_\_\_\_\_

\*\*

\* Signature of the registered professional responsible for the preparation of the plan.

\*\* Seal of the individual

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STORM DRAINAGE PLAN CERTIFICATION

I hereby certify that, to the best of my knowledge, the storm water management facilities shown and described hereon are designed in conformance with the STORMWATER MANAGEMENT and LAND DEVELOPMENT ORDINANCE of Manheim TOWNSHIP.

\_\_\_\_\_, 20\_\_ \* \_\_\_\_\_

\*\*

\* Signature of the registered professional responsible for the preparation of the plan.

\*\* Seal of the individual

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**APPENDIX II (CONTINUED)**

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**CERTIFICATION OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN,  
AND OFFER OF DEDICATION**

(LANDOWNER is an Individual)

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF LANCASTER

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

\*\* \_\_\_\_\_

\*\*\* \_\_\_\_\_

My Commission Expires \_\_\_\_\_, 20\_\_\_\_

\* Identify Ownership or Equitable Ownership

\*\* Signature of the Individual

\*\*\* Signature and Seal of Notary Public or other officer authorized to acknowledge deeds.

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**CERTIFICATE FOR APPROVAL BY THE COMMISSIONERS**

APPROVED by the Manheim TOWNSHIP COMMISSIONERS this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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**APPENDIX II (CONTINUED)**

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CERTIFICATE OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN,  
AND OFFER OF DEDICATION

(LANDOWNER is a Co-partnership)

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF LANCASTER

On this, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, being one of the firm of \_\_\_\_\_, who being duly sworn according to law, deposes and says that the co-partnership is the \* \_\_\_\_\_ of the property shown on this plan, that the plan thereof was made at its direction, that it acknowledges the same to be its ACT and plan and desires the same to be recorded, and that all STREET and other property identified as proposed public property (excepting those AREAS labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

\*\* \_\_\_\_\_

\*\*\* \_\_\_\_\_

My Commission Expires \_\_\_\_\_, 20\_\_\_\_

\* Identify Ownership or Equitable Ownership

\*\* Signature of the Individual

\*\*\* Signature and Seal of Notary Public or other officer authorized to acknowledge deeds.

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CERTIFICATE FOR REVIEW BY THE PLANNING COMMISSION

Reviewed by the Manheim TOWNSHIP PLANNING COMMISSION this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

**APPENDIX II (CONTINUED)**

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CERTIFICATE OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN,  
AND OFFER OF DEDICATION

(LANDOWNER is a Corporation)

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF LANCASTER

On this, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer,  
personally appeared \_\_\_\_\_,  
being \* \_\_\_\_\_ of \*\* \_\_\_\_\_  
who being duly sworn according to law, deposes and says that the corporation is the  
\*\*\* \_\_\_\_\_ of the property shown on this plan, that he is  
authorized to execute said plan on behalf of the corporation, that the plan is the ACT and deed of  
the corporation, that the corporation desires the same to be recorded and on behalf of the  
corporation further acknowledges, that all STREETS and other property identified as proposed  
public property are hereby dedicated to the public use - (excepting those AREAS labeled "NOT  
FOR DEDICATION").

\*\*\*\* \_\_\_\_\_

\*\*\*\*\*

\*\*\*\*\* \_\_\_\_\_

My Commission Expires \_\_\_\_\_, 20\_\_\_\_

\* Individual's Title

\*\* Name of Corporation

\*\*\* Identify Ownership or Equitable Ownership

\*\*\*\* Signature of Individual

\*\*\*\*\* Corporate Seal

\*\*\*\*\* Signature and Seal of Notary Public or other officer authorized to acknowledge deeds.

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**APPENDIX II (CONTINUED)**

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LANCASTER COUNTY PLANNING COMMISSION'S REVIEW CERTIFICATE

The Lancaster COUNTY PLANNING COMMISSION, as required by the Pennsylvania MUNICIPALITIES PLANNING CODE, ACT 247 of 1968, as amended, reviewed this plan on \_\_\_\_\_, 20\_\_\_\_, and a copy of the review is on file at the office of the PLANNING COMMISSION in LCPC File No. \_\_\_\_\_. This certificate does not indicate approval or disapproval of the plan by the Lancaster COUNTY PLANNING COMMISSION, and the Commission does not represent nor guarantee that this plan complies with the various ORDINANCES, rules, regulations, or laws of the local MUNICIPALITY, the Commonwealth, or the Federal Government.

\* \_\_\_\_\_ \*

\* Signatures of Chairman and Vice Chairman or their designees

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CERTIFICATE FOR REVIEW BY THE TOWNSHIP ENGINEER  
(If required by the TOWNSHIP)

Reviewed by the Manheim TOWNSHIP ENGINEER this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

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RECORDER OF DEEDS CERTIFICATE

Recorded in the office for Recording of Deeds, in and for Lancaster County, Pennsylvania, in SUBDIVISION Plan Book \_\_\_\_\_, Volume \_\_\_\_\_, Page \_\_\_\_\_.  
Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
Recorder

### APPENDIX III

Sight distances for roads with GRADES greater than thirteen (13) percent shall be calculated in accordance with the following:

$$SSSD = 1.47 Vt + V^2/30(f + g)$$

SSSD = minimum safe stopping distance (feet)

V = velocity of vehicle (miles per hour)

t = perception time of a motorist (average = 2.5 seconds)

f = wet friction of pavement (average = 0.30)

g = percent GRADE of roadway divided by 100

## APPENDIX IV

Diagram of Road "A" & Road "B" is missing

## APPENDIX IV (CONTINUED)

### Segment Definition

General Rule: A roadway segment is an interval of roadway length terminated at each end by the intersection of another roadway or a cul de sac (or dead end).

Curblineline or Centerline? When determining whether to terminate a segment at the curblineline of an intersecting roadway or at the centerline of the intersecting roadway one must set a priority of service level on the roadways to be measured. This is a process more simple than it sounds.

When preparing to measure new roadways look at the existing roadways to which the new roads connect. It is most likely that some or all of these roads will feed outside traffic to new roads. The roadways which feed outside traffic to the new roads (or collect traffic from the new roads and feed it to the outside) are of a higher service class than the new roads.

- **A segment should terminate at the curblineline of a higher class roadway and terminate at the centerline of a lower class roadway.**
- **Exception: Where an entire higher class roadway terminates at a lower class roadway (“T” intersection) the higher class roadway will terminate at the curblineline of the lower class roadway and the segments of the lower class roadway will terminate at the centerline of the higher class roadway.**

# **MANHEIM TOWNSHIP OFFICIALS**

## **BOARD OF COMMISSIONERS**

Donna E. DiMeo, President  
Stacey Morgan-Brubaker, Vice President  
Barry Kauffman  
John C. Bear  
Mary Jo Huyard  
Rick Kane, Manager-Secretary

## **PLANNING COMMISSION**

Jeffery E. Swinehart, Chairperson  
John Shipman, Vice Chairperson  
Stacey W. Betts  
John Hendrix  
Jennifer B. Rule  
Roy E. Baldwin  
Elizabeth C. Ross  
Denyse Kling

— Michel Gibeault

## **PLANNING & ZONING DEPARTMENT**

Sharyn Young

Lisa A. Douglas, Director  
TBD, Assistant Director / Land Development Administrator  
David Bednar, Zoning Officer  
Mindi Wise-Lowrey, Administrative Assistant