

FILE OF THE CITY CLERK

ADMINISTRATION ORDINANCE NO. 12 - 2020

ADMINISTRATION BILL NO. 12 - 2020

INTRODUCED – OCTOBER 27, 2020

ADOPTED BY COUNCIL – NOVEMBER 10, 2020

AN ORDINANCE AMENDING THE CITY OF LANCASTER SUBDIVISION AND LAND DEVELOPMENT ORDINANCE IN ORDER TO INCORPORATE CERTAIN TEXT CHANGES THAT: INCLUDE THE PROTECTION AND PRESERVATION OF NATURAL RESOURCES IN THE PURPOSE STATEMENT; PROVIDE FOR THE DEFERRAL OF LAND DEVELOPMENT APPROVALS IN CERTAIN CASES; REDUCE PAPER SUBMISSIONS; REQUIRE A COMMUNITY BENEFITS SURVEY; IMPROVE LIGHTING STANDARDS TO LIMIT GLARE AND LIGHT POLLUTION; INCORPORATE NATIVE VEGETATION LANDSCAPING SPECIES SELECTION AND PROHIBIT INVASIVE SPECIES; REQUIRE STREET TREES ALONG ALL PUBLIC STREETS FOR ALL SUBDIVISIONS AND LAND DEVELOPMENTS; ENCOURAGE TREE PLANTING AND PRESERVATION; BROADEN THE REQUIREMENT FOR ENVIRONMENTAL IMPACT STUDIES; INTEGRATE BEST PRACTICES FOR BICYCLE AND PEDESTRIAN PLANNING; AND IMPROVE ADMINISTRATION OF THE ORDINANCE AND IMPROVE CONSISTENCY WITH OTHER CITY ORDINANCES.

WHEREAS, the 2019 update to the City's Stormwater Management Plan Green It! recommends the planting of native vegetation, tree planting, and tree preservation desirable stormwater management techniques;

WHEREAS, the City of Lancaster adopted an Active Transportation Plan in 2019 that recommends improving bicycle and pedestrian infrastructure throughout the City to increase safety, encourage active lifestyles, and promote viable low-carbon transportation options for all and specifically recommends active transportation strategies be incorporated into land development ordinances;

WHEREAS, the City's Tree Ordinance acknowledges that urban tree canopy provides numerous crucial ecosystem services to the City, including environmental (stormwater management, carbon sequestration and urban wildlife habitat), social (human health, healing, and quality of life), and economic (increased property values, increased business activity and decreased energy use).

WHEREAS, the City of Lancaster adopted an Active Transportation Plan in 2019 that recommends improving bicycle and pedestrian infrastructure throughout the City to increase safety, encourage active lifestyles, and promote viable low-carbon transportation options for all;

WHEREAS, amendments of a technical nature have been recommended in order to assure consistency with relevant State and local laws and to improve administration of the Subdivision and Land Development Ordinance;

WHEREAS, at its public meeting of September 16, 2020, the Lancaster City Planning Commission recommended to the Lancaster City Council adoption of the new Subdivision and Land Development Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lancaster that the City of Lancaster Subdivision and Land Development Ordinance is amended as follows:

Section 1. Article I, General Provisions, of the City of Lancaster Subdivision and Land Development Ordinance, No. 15-2015 (hereinafter referred to as the SLD Ordinance) is amended as follows:

a. Amend §265-3, Purpose, to read as follows:

The purpose of this chapter is to protect the public health, safety and general welfare; to promote and ensure orderly growth and development; to protect historic resources; to protect and preserve natural resources; to implement provisions of the Comprehensive Plan; to ensure consistency with the official map, Stormwater Management Ordinance, and City Zoning Ordinance; and to encourage innovative and sustainable land planning and development.

b. Amend §265-4, Application, by adding a new Subsection C and lettering subsequent subsections sequentially.

C. When a municipal boundary line divides a lot and municipal property taxes are paid to the adjoining municipality, the Chief Planner shall have the discretion to defer subdivision and land development approvals to the adjoining municipality.

Section 2. Article II, Definitions, is amended as follows:

a. Amend §265-11, Terms defined, by adding the following definitions:

Caliper: The measure of the diameter of the trunk of balled or burlapped nursery trees at a point six inches above the ground, or 12 inches above the ground for trees over four inches in caliper. See also "DBH, diameter at breast height." It should be noted that "caliper" and "diameter at breast height" are both used in this chapter and carry different meanings, and should not be used interchangeably.

City Arborist: The Arborist/Horticulturist of the City of Lancaster, as supervised by the Director of Public Works or his/her designee, or any urban tree professional employed or contracted by the City within the Bureau of Operations and designated with the responsibilities set forth in Chapter 273, Trees (the City's Shade Tree Ordinance).

Diameter at Breast Height (DBH): The measure of the diameter, in inches, of a tree trunk at a point 4.5 feet above ground. See also "caliper."

Invasive Species: A plant identified by the Pennsylvania Department of Conservation and Natural Resources as an invasive species or emerging invasive

species.

Landmark Tree: A tree with six (6) inch minimum DBH that is not an Invasive Species.

Mid-Atlantic Region: The region of the United States that includes New York, New Jersey, Pennsylvania, Delaware, Maryland, Washington, D.C., Virginia, and West Virginia.

Native Plant: A species of plant that has: traditionally inhabited or naturally occurred in the Mid-Atlantic Region; not been introduced to the Mid-Atlantic Region as a result of human activity, either intentional or accidental; and has also been listed as a Native in the Mid-Atlantic Region in the United States Department of Agriculture's PLANTS Database.

Non-Native Plant: A species of plant that has: neither traditionally inhabited nor naturally occurred in the Mid-Atlantic Region; been introduced to the Mid-Atlantic Region as a result of human activity, either intentional or accidental; and has also not been listed as a Native in the Mid-Atlantic Region in the United States Department of Agriculture's PLANTS Database. A subset of Non-Native species are the Invasive Species.

b. Amend §265-11, Terms defined, as follows:

City Arborist

The Arborist/Horticulturist of the City of Lancaster, as supervised by the Director of Public Works or his/her designee, or any urban tree professional employed or contracted by the City within the Bureau of Operations and designated with the responsibilities set forth in Chapter 273, Trees (the City's Shade Tree Ordinance).

Section 3. Article V, No-Impact, Minor and Preliminary Plan Procedures and Requirements, is amended to read as follows:

a. Amend §265-21C, Subsections (1) as follows:

(1) The City submittal shall consist of one paper copy of the plan, which shall be signed by the landowner as per § 265-26D(3)(g), one copy of any reports or supplemental information, a completed City plan application and plan application fee. The Planning Bureau may request additional paper copies as needed. An electronic copy of all application and resubmission materials shall be submitted in a format acceptable to the Chief Planner.

b. Amend §265-23B(1), Subsections (a) and (b) as follows, and add subsection (c):

(a) City review: One paper copy of all application materials and reports shall be submitted to the Chief Planner, and the plan cover sheet shall be signed by the landowner as per § 265-26D(3)(g). In lieu of a plan cover sheet signed by the

landowner in the initial submission, the owner of record may submit a letter of landowner acknowledgement. A completed application form, a narrative explaining the project and its significant features, a fee in accordance with the fee schedule adopted by resolution of City Council, and a completed LCPC request for review form shall be submitted. The Planning Bureau may request additional paper copies as needed.

(b) An electronic copy of all application and resubmission materials shall be submitted in a format acceptable to the Chief Planner.

(c) LCPC review: Copies of the plan, reports and filing fee shall be in accordance with LCPC requirements.

c. Amend §265-23B, Subsection (3), as follows:

(3) Unconditional approval authorizes the applicant to proceed with the preparation of the final plan. All applicants are encouraged to submit a preliminary Community Benefits Survey to the Chief Planner prior to proceeding with the final plan; such survey to be promulgated from time to time by the Director of Community Planning & Economic Development.

d. Amend §265-26D(3), General Data, Subsection (l) to read as follows:

- (l) Existing topographic contours at intervals of two feet with spot elevations at relevant points, based on the PA South Zone State Plane Coordinate System (NAD83 for horizontal and NAVD88 for vertical), except that the intervals shall be one foot in and within 50 feet of special flood hazard areas. Prominent high points and depressions shall be indicated by spot heights.

e. Amend §265-26D(4), Impacts studies and reports, Subsection (b)[6] to read as follows:

Environmental impact report. The project will have potential negative environmental impacts, as reasonably determined by the City, in regard to surface water, wildlife habitats, riparian vegetation, hazardous material storage, noise, steep slopes of 10% or greater, or other environmental qualities, including historical, cultural, or archeological sites or areas recognized by the City, state, or federal governments as significant.

f. Amend §265-26D, Minor and preliminary plan specifications and data, Subsection (5) to read as follows:

Streets, alleys, sidewalks, access drives and driveways based on the PA South Zone State Plane Coordinate System (NAD83 for horizontal and NAVD88 for vertical) as per the Bureau of Engineering.

g. Amend §265-26D(6), Utilities and easements, Subsections (d) and (e) to read as follows:

(d) Evidence, via a sanitary sewer capacity letter, that public sewer shall be provided to the subdivision or development by the appropriate municipal agency or authority. Submission of a planning (sewer) module or module exemption to DEP shall also be provided, if required.

(e) The addition of a plan note evidencing a Pennsylvania One-Call Act 50 Request, including the serial number.

h. Amend §265-26D(8), Soils, geology and physical features, Subsection (b) to read as follows:

Existing conditions on the tract: all trees over 6" DBH by species and size, rock outcrops; wooded areas; buildings; riparian buffers; tree protection zones and related physical features.

i. Amend §265-26D(9), Grading and earth moving, Subsection (a) and (b) to read as follows:

(a) Existing and proposed grades at two-foot contours or as otherwise approved by the City Engineer and shall be based on the PA South Zone State Plane Coordinate System (NAD83 for horizontal and NAVD88 for vertical).

(b) For projects 1 acre or greater of earth disturbance, a soil erosion and sediment control (E&SC) plan as outlined in Title 25, Pennsylvania Administrative Code, Chapter 102, Section 101.1, et seq., and administered by DEP, or its designee, shall be prepared. Such plan shall be capable of functioning independently or in conjunction with adjacent erosion control measures and facilities. The E&SC Plan shall be approved by the Lancaster County Conservation District prior to commencement of any earthmoving activities. For projects involving earth disturbance of less than 1 acre, a plan shall be prepared for City approval in accordance with the PA DEP Erosion and Sediment Control Program Manual Document 363-2134-008, dated March 2012, as amended, demonstrating how sediment-laden water runoff will be controlled on site. Such plan shall include location and type of control facilities, existing and proposed grading, location of soil stockpile, construction entrance and a sequencing narrative outlining specific measures to be taken at each phase of site development.

j. Amend §265-26D(10), Landscaping, to read as follows:

(a) Landscape plans are required whenever there is proposed earth disturbance, planting of any trees or vegetation, or removal of any trees or vegetation. All landscape plans shall include a planting schedule and show locations, size and name of all trees, shrubs, vegetative screens and ground cover proposed to be installed in the development.

(b) If any trees within the development site will be preserved, or if any tree protection zones from an adjacent property lie within the development site, then a tree protection plan shall be provided and include the following information: trees to be preserved and/or removed, tree protection zones, tree protection details, root protection details, excavation methods within tree protection zones (if applicable), equipment access routes, contractor parking, material storage, and

any protective devices or engineering techniques.

(c) All trees and shrubs shall be planted in accordance with § 265-33M and Chapter 273, Trees, and the Tree Manual, and parking lot landscaping shall be in accordance with Chapter 300, Zoning.

k. Amend §265-26D(11), Street lighting and private property lighting, to add new subsections as follows:

(d) All light sources shall have a correlated color temperature that does not exceed 3000K unless otherwise approved by the City Engineer.

(e) Directional fixtures, e.g., floodlights and spotlights, shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way, such that the lighting could become a nuisance.

Section 4. Article VI, Final Plan Procedure and Requirements, is amended to read as follows:

a. Amend §265-29(B), Subsections (1)(a), (4) and (6), as follows:

(1)(a) City review: One paper copy of all application materials and reports shall be submitted to the Chief Planner. An electronic copy of all application and resubmission materials shall be submitted in a format acceptable to the Chief Planner. A completed application form, a fee in accordance with the fee schedule adopted by resolution of City Council, and a completed LCPC plan processing application shall be submitted. If the subdivision or land development involves the construction, modification or vacation of a street, one additional copy of the plan shall be submitted. The Planning Bureau may request additional paper copies as needed.

(4) Upon determination that all conditions of the Commission's conditional approval have been met, the Chief Planner shall transmit a written notification to the applicant indicating that the final plan conditions have been satisfied. The applicant shall submit one mylar and three paper sets of plans along with a digital file of all documents to be recorded in a format acceptable to the Chief Planner.

(6) After the Commission grants unconditional approval or the conditions of approval have been satisfied, but prior to recordation of the plan, the applicant shall submit a Community Benefits Survey to the Chief Planner; such survey to be promulgated from time to time by the Director of Community Planning & Economic Development. The final plan shall be signed by the City Engineer and the Commission Chairperson or Vice Chairperson, and the applicant shall present

the plans to the LCPC for approval signatures. Upon securing all approvals, the applicant shall, within 90 days of such final approval or 90 days after the date of delivery of an approved plan signed by the Commission following completion of conditions imposed for such approval, whichever is later, record such plan in the office of the Lancaster County Recorder of Deeds. Failure to record the plan within this time period shall cause the Commission's approval to become null and void, unless an extension of time has been requested by the applicant in writing and granted by the Commission.

Section 5. Article VII, Design and Improvement Standards, is amended to read as follows:

a. Amend §265-33(A), Public streets, to read as follows:

A. General street arrangement. The following design consideration shall be applied to all new and reconstructed streets within a subdivision and/or land development plan.

b. Amend §265-33(A)(1), Subsection (a)'s table to read as follows:

Street Type	Cartway	Travel and Turn Lanes	Parking Stall	Bike Lane(s)	Sidewalk	Planting Strip and Curb	Total ROW
Alley	16	—	—	Shared lane markings	0	—	16
Local – two-way	36	Two -10	7.5/side	Shared lane markings	5/side	4.5/side	52
Local – one-way	26	One -10	8/side	Shared lane markings	5/side	4.5/side	43

Street Type	Cartway	Travel and Turn Lanes	Parking Stall	Bike Lane(s)	Sidewalk	Planting Strip and Curb	Total ROW
Collector	46	Two -10	8/side	1 - 5 per direction of travel	5/side	4.5/side	63
Arterial - minor	46-50	Two -11	8/side	1 - 6 per direction of travel or 1 - 5 with 1 - 3 buffer for one-way streets	5/side	5/side	68
	56-60	Two - 11 Center turn lane - 10					80
Arterial	Determined by state and federal government						

c. Amend §265-33(J), Sidewalks, Subsections (3) and (5) to read as follows:

(3) Sidewalks along public streets shall be a minimum of five feet wide, not including space taken by poles, trees, steps or other appurtenances, and shall be in compliance with the minimum requirements of the City. Sidewalks adjacent to shopping and service facilities, schools, recreation areas, community facilities, and other high-volume generators of pedestrian traffic may be of a greater width if required by the City Engineer or Commission.

(5) A sidewalk of not less than five feet in width, constructed in accordance with City standards, shall be provided along private streets and access drives wherever pedestrian travel may occur. Sidewalks of greater width may be required by the Commission based upon housing density, proximity to schools, parks, bus stops, and persons with disabilities.

d. Amend §265-33(L), Pedestrian and bicycle paths, subsection (2) as follows:

(2) Pedestrian/bicycle paths shall be connected to new and existing public rights-of-way. If an adopted pedestrian/bicycle plan addresses the connection, then the connection shall be made in accordance with any adopted pedestrian/bicycle plan.

e. Amend §265-33(L)(4), Pedestrian and bicycle paths, subsections (a), (b), and (c) as follows:

(a) Connect all paths to the street and sidewalk system in a safe and convenient manner;

(b) Provide well defined right-of-way (easement) that is a minimum 10 feet wide and also meets current ADA design standards.

(c) Locate all paths in corridors that serve origin and destination points such as residential areas, schools, shopping centers, parks, etc. Paths should provide access to community facilities such as schools, shopping areas, recreation areas and cultural and community facilities.

f. Amend §265-33(M), Street trees, subsections (1) and (4) as follows:

(1) Street trees, approved by the Shade Tree Commission and City Arborist, shall be planted in accordance with Chapter 273, Trees, and the Tree Manual for all subdivisions and land developments and newly created public streets therein.

(4) One tree shall be planted for every 25 linear feet, or major fraction thereof, of street frontage. Spacing between trees shall not be less than 20 feet nor more than 50 feet.

g. Amend §265-33(M)(9) by adding the following subsections:

(a) If there is no alternative but to locate a utility line through a tree protection zone, noninvasive excavation methods such as an air spade or hand digging should be used.

(b) Trenches shall be filled as soon as possible and tamped lightly to avoid air space.

h. Amend §265-33(M), Street trees, by adding the following subsections:

(10) If a Street Tree is designated to be preserved but is removed or substantially damaged during the clearing, grading, or construction, the damaged or removed tree shall be replaced with new trees of a total caliper no less than the total DBH of the removed tree. Each replacement tree shall not be less than two (2) and one-half (1/2) inches caliper at planting.

(11) In order to avoid damage to newly planted trees, trees shall be planted only after all major construction activities have been completed. Planting may occur only when approved by the Arborist, and only in planting seasons otherwise permitted and as appropriate to the species.

(12) Invasive Species shall not be permitted.

i. Amend §265-33, Public Streets, by adding the following subsections:

N. Landmark Trees

- (1) Landmark Trees shall be preserved to the maximum extent practicable and incorporated into Site plans and Site design as major amenities.
- (2) If a Landmark Tree is designated to be preserved but is removed or substantially damaged during the clearing, grading, or construction, the damaged or removed tree shall be replaced with new trees whose cumulative caliper equal the DBH of the tree removed. If the trees cannot be accommodated on site, the developer shall work with the City to find locations for the additional trees.
- (3) All removed Landmark Trees shall be replaced with new trees of a total caliper no less than the total DBH of the removed tree. Each replacement tree shall not be less than 2.5 in. caliper at planting.
- (4) To the maximum extent practicable, landmark trees shall be retained and protected during construction in accordance with the tree protection standards in Chapter 273.
- (5) Any newly planted tree serving as a replacement for a landmark tree that dies shall be replaced within 12 months and in accordance with Chapter 273.
- (6) If there is no alternative but to locate a utility line through a tree protection zone, noninvasive excavation methods such as an air spade or hand digging should be used to the maximum extent practicable, except where the survival of the tree would not be affected by either method. (e) Trenches shall be filled as soon as possible and tamped lightly to avoid air space.

O. Credits for Preserving Landmark Trees.

- (1) Applicants who preserve mature, healthy trees as part of a development project may obtain credits toward trees required by this ordinance. Trees intended to be preserved shall be indicated on a tree protection plan according to § 265-26D(10)(b). To obtain credit, the preserved trees must be on the same lot, at least six inches diameter breast height and must be in healthy condition as determined by the City Arborist. The credit for trees may be applied toward the number of trees required on the lot. Any preserved trees for which credit is given, and that are lost to damage or disease after the credit is awarded shall be replaced with trees otherwise required. Credits are allocated as follows:

- (a) If the DBH of the preserved tree is over 12 inches, then the credit shall be 12 inches caliper.
- (b) If the DBH is between 9 inches to 12 inches, then the credit shall be 9 inches caliper.
- (c) If the DBH is between 6 inches to 9 inches, then the credit shall be 6 inches caliper.

P. Landscaping

- (1) Native Plants shall be incorporated in all designs and makeup a minimum of the following: 25% of street trees, 100% of trees within riparian buffers as defined in Chapter 300, 50% of all other trees, 50% of shrubs, 50% of all herbaceous species and groundcovers.
- (2) A variety of plant species are encouraged to avoid monocultures, to encourage long-lived species and to promote wildlife habitat. Of the required shrub plantings, no more than 33% shall be of one species, and tree plantings must meet the diversity provisions of Chapter 273's Tree Manual.
- (3) Any Landscaping should create or be part of the process to create larger landscape patches and corridor ecosystems with larger interior areas and less edge areas. Connectivity to existing Landscaping shall be encouraged.
- (4) All required landscape plants shall be maintained and guaranteed for a length of two (2) full growing seasons after the date of planting. Replacement plants shall conform to all requirements of this section and shall be maintained after replanting for an additional two (2) full growing seasons.
- (5) Trash disposal areas, such as dumpster or compactor sites, shall be effectively screened so as not to be visible from off Site adjacent parking areas, roadways, or adjacent residential properties. Such areas shall be screened with a combination of architectural masonry (or fencing) and/or landscaping with a height of at least six (6) feet.
- (6) The Commission may require additional vegetative screening of 3-6 ft. in height when doing so would help limit the possibility of nuisances caused by vehicular or non-vehicular light glare.
- (7) If landscaping is included in a plan, then provisions for regular watering throughout the first two growing seasons shall be included on the plan, including method, quantity of water, time intervals, and a named responsible party.

j. Amend §265-33, Public Streets, by changing the lettering of subsection N., Monuments and markers, to subsection Q., Monuments and markers, and amend subsection (1) therein as follows:

(1) Permanent monuments shall be accurately placed along the right-of-way line ~~of new, modified or redesigned~~ on at least one side of each street at the beginning and end of all curves and at all angle changes or at four-foot offsets at intersections, where appropriate.

k. Amend §265-35, Easements, subsection (C) as follows:

(C) Easements may be required by the Commission in cases where the Commission deems it essential for the proper circulation of pedestrian, bicycle, and/or vehicular traffic flow within a subdivision or land development. Such easements shall not be less than six feet in width for pedestrian use and 12 feet in width for bicycle or vehicular use, unless the Commission requires narrower easements because of anticipated pedestrian use or vehicular volume.

l. Amend §265-36, Blocks, subsections (A) and (A)(1) as follows:

(A) In general, block lengths in all subdivisions and land developments shall be consistent with the City Official Plan, shall follow established patterns in the neighborhood, or shall have a minimum length of 200 feet and a maximum length of 600 feet. Block lengths shall be measured along the street centerlines from intersection to intersection.

(1) Where blocks exceed 400 feet in length, a mid-block pedestrian right-of-way of not less than 10 feet in width shall be provided for pedestrian circulation. Paved walks of not less than five feet shall be placed within the right-of-way and constructed in compliance with City of Lancaster sidewalk standards.

m. Amend §265-41, Sanitary sewers, subsections B., D., and H. as follows:

B. The design and installation shall be subject to the approval of the City Engineer in consultation with the City's Bureau of Wastewater Operations. The sanitary improvements shall also meet the applicable standard requirements of DEP and the City.

D. The drawings for the installation of the sanitary sewer system shall be prepared by the developer and approved by the City Engineer and the Bureau of Wastewater Operations.

H. Sewer mains shall be installed within a street right-of-way or utility easement. When installed in a street right-of-way, adequate space (alignment) shall be provided to incorporate green

infrastructure in the parking/bike lane area of the street. Adequate separation from other utilities shall also be provided in accordance with the DEP Domestic Wastewater Facilities Manual.

Section 6. All other parts, section, subsections and provisions of the SLD Ordinance shall remain in effect as heretofore enacted.

Section 7. In the event any provision, section, sentence clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional, such invalidity shall not affect or impair any remaining provision, clause, section, sentence or part of this Ordinance, it being the intent of the City that such remainder shall remain in full force and effect.

Section 8. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

CITY OF LANCASTER

By: 
Danene Sorace, Mayor

ATTEST:


Bernard W. Harris Jr., City Clerk