

# **EAST MANCHESTER TOWNSHIP**

## **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**NOVEMBER 1981**

**As reformatted and renumbered  
by Ordinance No. 2000-9**

**(With amendments adopted  
through November 10, 2009)**



**ORDINANCE NUMBER 110981**

**EAST MANCHESTER TOWNSHIP**

**YORK COUNTY, PENNSYLVANIA**

RESOLVED, that the Township Board of Supervisors of East Manchester Township, York County, Pennsylvania, pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code, Act 247, Article V, as amended; hereby ordains and enacts as follows:

AN ORDINANCE regulating the subdivision and development of land within East Manchester Township, York County, Pennsylvania; requiring the submittal of Subdivision and Land Development Plans for Township review; prescribing standards of design, plan requirements, plan processing procedures, improvement and construction requirements, and condition of acceptance of public improvements.

This Ordinance shall be known and may be cited by the short title form of the "East Manchester Township Subdivision and Land Development Ordinance".



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## ARTICLE I

### GENERAL PROVISIONS

#### SECTION 1.1 AUTHORITY

1. Board of Supervisors

The Board of Supervisors of the Township of East Manchester is vested by law with the control of the subdivision of land and land development within the Township by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, Article V Section 501.

2. Planning Commission

The East Manchester Planning Commission is hereby designated by the Board of Supervisors as the agency which shall review and make recommendations on all subdivision and land development plans as required herein, prior to action on same by the Board of Supervisors of the Township of East Manchester.

#### SECTION 1.2 PURPOSE

1. This Ordinance is enacted for the purpose of assuring sites suitable for building purposes and human habitation and to provide for the harmonious development of East Manchester Township, for the coordination of existing streets with proposed streets; for adequate open space for traffic, recreation, light and air, and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals, and general welfare of the citizens of the East Manchester Township; and
  - A. to regulate the subdivision and development of land within any designated floodplain district,
  - B. to require that each subdivision lot in flood prone areas be provided with a safe building site with adequate access; and that public facilities which serve such sites be designed and installed to preclude flood damage at the time of initial construction,
  - C. to protect individuals from buying lands which are unsuitable for use because of flood by prohibiting the improper subdivision or development of unprotected lands within the designated floodplain districts within East Manchester Township, and
  - D. to guide the future growth and development of East Manchester Township in accordance with the Comprehensive Plan of the Township.

2. The approval of any subdivision or land development plan shall be based on the following considerations:
  - A. Recognition of a desirable relationship of the development proposed to the general land form, topographic and geologic character, to natural drainage and surface water run-off, and to the ground water table.
  - B. Recognition of a desirable standard of subdivision design, including adequate provision for pedestrian and vehicular traffic, and for suitable building sites for the contemplated land use.
  - C. Preservation of such natural assets as ponds, streams, shrubs, trees and watershed areas.
  - D. Provisions for adequate and safe water supply, sewage disposal, storm drainage and other utilities.

### **SECTION 1.3 INTERPRETATION**

1. The provisions of This Ordinance shall be held to be minimum requirements to meet the above stated purposes. Where the provisions of This Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provision of This Ordinance shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of This Ordinance, the provisions of such statute, ordinance, or regulation shall prevail.

### **SECTION 1.4 CONFLICT WITH PRIVATE PROVISIONS**

1. This Ordinance is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of This Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of This Ordinance shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Board of Supervisors in approving a subdivision or in enforcing This Ordinance, and such private provisions are not inconsistent with This Ordinance or determinations made thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

### **SECTION 1.5 SEVERABILITY**

1. The provisions of This Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of This Ordinance. It is hereby declared as a legislative

intent that This Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not been included herein.

**SECTION 1.6            LIMITATION OF LIABILITY**

1. The grant of a permit or approval of a subdivision or land development plan shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee thereof as to the advisability or practicability of the proposed use nor shall any such approval represent any warranty as to the accuracy of the information provided by a developer. Approval of a plan shall create no liability upon the Township, its officials or employees. Further, the grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any designated floodplain district in East Manchester Township shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees.

**SECTION 1.7            SAVING CLAUSE**

1. This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Township under any section or provision existing at the time of adoption of This Ordinance, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the Township except as shall be expressly provided for in This Ordinance.

**SECTION 1.8            ZONING COMPATIBILITY**

1. Nothing contained in This Ordinance shall relieve the owner or developer from complying with the applicable provisions of the East Manchester Township Zoning Ordinance. It is the expressed intent that the East Manchester Township Subdivision and Land Development Ordinance and Zoning Ordinance be reinforceable and together foster the stated planning goals and objectives of the Township.

**SECTION 1.9            MODIFICATIONS**

1. Where, the literal enforcement of the provisions of these regulations will exact undue hardship because of peculiar conditions pertaining to the land in question, the Board of Township Supervisors, after review by the Planning Commission, and recommendation by the Township Engineer as required, may grant a modification of the requirements of one or more provisions of This Ordinance: Provided that such modification will not be contrary to the public interest and that the purpose and intent of This Ordinance is observed.

- A. All requests for a modification shall be in writing and shall accompany and be a part of the submission of the Plan, Preliminary and/or Final, to which it refers. 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.
  
- B. Modification Action by the Board of Township Supervisors
  - (1) The Board of Township Supervisors shall consider and act upon requests for modification at a regularly scheduled meeting of the Board.
  - (2) A formal hearing shall not be required. However, the applicant or any interested party may request a hearing upon agreement to pay for the public notice and stenographic costs thereof.
  - (3) At any meeting or hearing, the applicant or his representative shall present evidence in support of the request.
  - (4) The Board of Township Supervisors after hearing said evidence and considering the application, may grant or deny said modification.
  - (5) In modifying any requirements, the Board of Township Supervisors shall record its action and the grounds for the modification of a requirement in its minutes and transmit a copy of the action to the applicant applying for the modification.
  - (6) Whenever a request for the modification of a requirement is denied, the Board of Township Supervisors shall record its action and the grounds for such denial in its minutes. The Board of Township Supervisors shall transmit a copy of the action and the grounds for such denial of any alteration to the applicant applying for the modification.

**SECTION 1.10 APPLICATION OF REGULATIONS**

- 1. From and after the effective date of This Ordinance, the following subdivision and land development activity within East Manchester Township shall require Plan approval of the Board of Supervisors. Such required approvals shall be granted only in accordance with the procedures and requirements of This Ordinance and such other Township ordinances, codes and regulations as may also apply.
  - A. The subdivision of any lot, tract or parcel of land within the Township, as defined in This Ordinance.

- (1) The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwelling, shall be exempted from these regulations provided that the subdivider shall file with the Board of Supervisors an affidavit, executed before a Notary Public, stating the subdivider's intent that the land is to be used for agricultural purposes and for no other purpose.
- B. Land development as defined in This Ordinance.
- C. Any development involving changes in the contour of the land, grading, excavation, removal or destruction of topsoil, or removal or destruction of trees or other vegetative cover. Agricultural and home gardening activities are exempt provided:
- (1) Such activities are not conducted in a designated floodplain district.
  - (2) Such activities are not conducted on land having a slope of ten percent (10%) or greater.
  - (3) Such activities meet the requirements of all other Township, County and State ordinances, codes and regulations.
- D. Any development permitted by Special Exception in the East Manchester Township Zoning Ordinance which is not covered by the definition of "land development" herein.

**SECTION 1.11 SALE, RENTAL AND LEASING OF LOTS AND SITES**

1. From and after the effective date of This Ordinance, no lot within a subdivision or site within a land development may be sold, rented or leased until the following requirements have been met.
  - A. A final subdivision or land development plan has been approved by the Board of Supervisors.
  - B. Public streets shall have been provided and said streets have been improved to, as a minimum, such a condition that the streets are passable for vehicles which are intended to use such streets, i.e., such streets shall have been improved to a mud free or otherwise permanently passable condition and shall have been provided with a dust-free cover and a guarantee, as provided in Article X of This Ordinance, for the completion of such streets to Township standards, shall have been deposited with the Township.

- (1) Streets thus improved shall not be accepted for dedication by the Board of Supervisors until all of the Township street construction and finished paving requirements have been met.
- C. All other required improvements shall have been installed or guaranteed, as provided by Article X of This Ordinance, shall have been deposited with the Township.
- D. The subdivision or land development plans shall have been recorded with the York County Recorder of Deeds and the required proof of recording supplied to the Township.
  - (1) Proof of recording shall be evidenced by the filing with the Township of a Recorder's Certificate that the Final Plan has been recorded, with Deed Book or Plan Book and page number indicated, and one copy of the Final Plan with the Recorder's seal affixed.

**SECTION 1.12      GUARANTEES AND AGREEMENTS**

- 1. The applicant by his submission of plans for Township approval does hereby expressly guarantee the following:
  - A. All streets shown on any proposed plan are of sufficient width and proper grade and so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access for fire fighting equipment to buildings and provide a coordinated system of streets conforming to the Township's Official Plan of streets.
  - B. The land whereon buildings are to be constructed is of such character that it can be used for building purposes without danger to health or peril from fire, flood or other hazard.
  - C. All necessary or required stormwater drainage and management facilities and erosion and sedimentation facilities be installed prior to or during the initial phase of construction of the subdivision or land development.
- 2. The applicant shall execute an agreement, in form and substance acceptable to the Board of Supervisors and Township Solicitor, before a final plan for either a subdivision or land development is released by the Board of Supervisors and filed with the County Recorder of Deeds. Said agreement shall include the following, as applicable:
  - A. The applicant agrees that he will lay out and construct all streets and other improvements in accordance with the final plan as approved.

- B. The applicant agrees to a schedule for public improvements and guarantees completion and maintenance of all improvements by means of a type of financial security acceptable to the Township, as specified in Article X of this Ordinance.
- C. The applicant agrees to tender a deed or deeds of dedication to the Township for such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations and other appurtenances as shall be constructed as public improvements, provided that the Township shall not be required to accept dedication of such improvements until their completion is certified as satisfactory by the Township Engineer.
- D. The agreement will identify all legal and equitable owners of the property as parties to the agreement with joint and several liability under the agreement.
- E. The agreement will designate a contact person for the applicant who will be authorized to represent the applicant before the Township. Any other person will require written consent to act on behalf of the applicant.
- F. The agreement will not be assignable without the express written consent of the Township Board of Supervisors. In the event of any change in legal or equitable ownership of property subject to an approved final plan with public improvements that have not been completed, the Township may require the new legal or equitable owner to execute a separate agreement with the Township.

**SECTION 1.13 RECORDING PLANS AND DEEDS**

- 1. Upon the approval of a final plan, the Township shall, within ninety (90) days of such approval, record such plan in the Office of Recorder of Deeds of York County. The Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Township Supervisors and review by the York County Planning Commission.
  - A. The applicant shall bear any costs required to provide the Recorder of Deeds with a recordable plan in the required format.
  - B. Streets, public grounds, easements and other public improvements may be offered for dedication to the Township by formal notation on the Final Plan, or the applicant shall note that any such improvements have not been offered for dedication to the Township.
  - C. Streets and public grounds shown on a recorded Final Plan shall be deemed private until accepted by ordinance or resolution.

- D. The recording of the plan shall not constitute grounds for tax assessment increases until such time as lots are sold or improvements are installed on the land included with the subject plan.
- E. After a plan has been approved and recorded as provided in this article, all streets and public grounds on such plan shall be, and become a part of the Official Map of the Township (if and when adopted) without public hearing.

**SECTION 1.14 HOMES ASSOCIATIONS**

- 1. Whenever a developer or owner proposes to submit land or structures to the provisions of the Pennsylvania Uniform Condominium Act, 68 Pa.C.S. §§ 3101-3414, or the Pennsylvania Uniform Planned Community Act, 68 Pa.C.S. §§ 5101-5414, or any other form of common or cooperative ownership for the benefit of the particular residents of a project as common areas, shared stormwater facilities, open space or active play areas, an owners association shall be established to maintain such facilities. The Township Supervisors shall retain the right to review and approve the articles of incorporation and all declarations, covenants, conditions and restrictions of the owners association. The submission of land or structures to an owners association shall be subject to the provisions of this Ordinance and the East Manchester Township Zoning Ordinance.

## ARTICLE II

### DEFINITIONS

#### SECTION 2.1 GENERAL INTERPRETATION

1. For the purpose of This Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary.

#### SECTION 2.2 RULES OF INTERPRETATION

1. For the purpose of This Ordinance, the following rules of interpretation shall apply:
  - A. Words in the present tense include the future tense.
  - B. Words in the singular case include the plural and words in the plural case include the singular.
  - C. The words "shall" and "will" are mandatory; the word "may" is permissive.
  - D. The word "used" shall be construed to include the words "or intended, arranged or designed to be used".
  - E. The term "such as" shall be considered as introducing a typical, or illustrative, designation of items, and shall not be interpreted as constituting a complete list.
  - F. The words "person" and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
  - G. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
  - H. The word "lot" includes the words "plot", "tract" and "parcel".
  - I. The word "erect" shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building.

#### SECTION 2.3 TERMS DEFINED

1. **Accelerated Erosion** – The removal of surface materials by the action of natural elements caused by man's manipulation of the landscape.
2. **Agricultural Purposes** – The use of a tract of land of more than ten (10) acres in size for the purpose of active cultivation or animal husbandry.

3. **Alley** – A minor right-of-way privately or publicly owned, primarily for service access to the rear or side of properties.
4. **Applicant** – A landowner or developer, as hereinafter defined, who has filed an application for development of land, including his heirs, successors and assigns.
5. **Application for Development** – An 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 building permit for the approval of a subdivision plat or plan or for the approval of a development plan.
6. **Appointing Authority** – The Township Board of Supervisors.
7. **Authority** – A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No.164), known as the "Municipality Authorities Act of 1945".
8. **Block** – An area bounded by streets or proposed streets.
9. **Board** – The Board of Supervisors of East Manchester Township, York County, Pennsylvania.
10. **Building** – Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes stated above.
11. **Building Line (Building Setback Line)** – A line established by law or agreement, usually parallel to property line, beyond which a structure may not extend. This generally does not apply to uncovered entrance platforms, terraces and steps.
  - A. **Front setback line** – The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line unless the lot line is within a street right-of-way, in which case the set-back line shall be measured from the edge of the street right-of-way.
  - B. **Side setback line** – The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line unless the lot line is within a street right-of-way, in which case the set-back line shall be measured from the edge of the street right-of-way.

- C. **Rear setback line** – The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line unless the lot line is within a street right-of-way, in which case the set-back line shall be measured from the edge of the street right-of-way.
12. **Cartway** – The portion of a street intended for vehicular use.
13. **Certification** – A signed statement appended to a plan or other document whereby the signer represents that to the best of their knowledge and belief said plan or document is true and correct and that the Township may rely upon the accuracy thereof.
14. **Clear-sight Distance** – A line of unobstructed vision from a point four and one-half feet (4 ½’ 0”) above the center line of a street to the nearest point on the top of an object four inches (4”) high on the same center line.
15. **Clear-sight Triangle** – An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.
16. **Commission** – The East Manchester Township Planning Commission duly appointed by the Township Board of Supervisors.
17. **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 streets, off-street parking areas, and areas set aside for public facilities.
18. **Comprehensive Plan** – A comprehensive plan prepared by the Township Planning Commission pursuant to Article III of the Pennsylvania Municipalities Planning Code which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Township, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.
19. **County** – The County of York, Commonwealth of Pennsylvania.
20. **County Planning Commission** – The York County Planning Commission and its professional staff.
21. **Crosswalk** – A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.
22. **Cul-de-sac** – A street with access closed at one end and with a vehicular turnaround at the closed end.

23. **Decision** – The final adjudication of any board or other body granted jurisdiction under any land use ordinance or the Municipalities Planning Code to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies.
24. **Dedication** – The deliberate appropriation of land by its owner for any general and public, or limited public, use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.
25. **Designated Floodplain Districts** – Those floodplain districts specifically designated in the East Manchester Township Floodplain Management Ordinance as being inundated primarily by the one hundred (100) year flood. Included are areas identified as the Floodplain Overlay (FP) District, Floodway Area (FW), the Flood-Fringe Area (FF), the Special Floodplain Area (FE), and the General Floodplain Area (FA).
26. **Determination** – The final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:
  - A. the Board of Supervisors;
  - B. the Zoning Hearing Board;
  - C. the Township Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

27. **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.
28. **Development** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations and the subdivision of land.

29. **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. The phrase “provisions of the development plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.
30. **Dwelling** – Any building or structure designed for living quarters for one or more families or housekeeping units, including mobile homes which are supported by a permanent foundation, but not including tents, cabins, travel trailers, boarding homes, rooming houses, convalescent homes, motels, hotels or other accommodations used for transient occupancy.
- A. **Detached** – A dwelling which is completely surrounded by permanent spaces.
- B. **Semi-detached** – A dwelling, one side wall of which is a party or lot-line wall.
- C. **Row** – A dwelling, the walls on two sides of which are party or lot-line walls.
- D. **End-row** – Same as semi-detached.
31. **Dwelling, Multi-Family** – A detached building or a group of attached and semi-detached buildings designed for or used exclusively for residential purposes by more than two families or housekeeping units.
32. **Dwelling, Single-Family Attached (Row)** – A building used by one family, and having two party walls in common with other buildings (such as row house or townhouse).
33. **Dwelling, Single-Family, Detached** – A building used by one family, having only one dwelling unit, and having two side yards.
34. **Dwelling, Single-Family, Semi-Detached** – A building used by one family, having one side yard, and one party wall in common with another building.
35. **Dwelling, Two-Family** – A building used by two families, with one unit arranged over the other and having two side yards.
36. **Dwelling Unit** – A structure or entirely self-contained portion thereof designed to be occupied for living quarters as a single housekeeping unit, including any domestic servants employed on the premises and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other "dwelling unit". A travel trailer, a boarding or rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, or other similar structure shall not be deemed to constitute a dwelling unit.

37. **Earthmoving Activity** – Any construction or other activity which disturbs the surface of the land including, but not limited to, excavation, embankments, land development, subdivision development, mineral extraction and the moving, depositing, or storing of soil, rock, or earth.
38. **Easement** – The authorization by a property owner or authorized agency of a right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose; and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.
39. **Engineer, Professional** – A person duly licensed as a professional engineer by the State of Pennsylvania.
40. **Engineer, Township** – The Township Engineer or any consultant designated by the Board of Supervisors to review a subdivision plan and perform the duties of engineer on behalf of the East Manchester Township.
41. **Engineering Specifications** – The engineering specifications of the Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.
42. **Erosion** – The removal of surface materials by the action of natural elements.
43. **Excavation** – Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, carried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.
44. **Fill** –
  - A. 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.
  - B. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface.
  - C. It shall include the conditions resulting therefrom: the difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade.
45. **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.

46. **Floodplain** – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
47. **Floodproof, Floodproofed, Floodproofing** – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
48. **Governing Body** – The Board of Supervisors of East Manchester Township, York County, Pennsylvania.
49. **High Value Districts** – Those areas in which commercial and/or industrial development is permitted or has taken place.
50. **Improvements** – Physical additions and changes to the land that may be necessary to produce usable and desirable lots.
51. **Land Development** – Any of the following activities:
  - A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
    - (1) a group of two (2) 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, including the expansion of existing buildings; or
    - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) 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. Excluded from this definition of land development are the following:
    - (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 subclause, an amusement park is defined as a tract or area used principally as the 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.
52. **Landowner** – The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.
53. **Lot** – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
54. **Lot Area** – The area contained within the property lines of a lot as shown on a subdivision plan excluding space within all street and railroad rights-of-way and within all permanent drainage easements, but including the area of any other easement.
55. **Lot, Reverse Frontage** – A lot extending between and having frontage on, an arterial street and a minor street, and with vehicular access solely from the latter.
56. **Lot, Through or Double Frontage** – A lot with front and rear street frontage.
57. **Lowest Floor** – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than the basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this ordinance.
58. **Manufactured Home** – A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to required utilities. For flood plain management purposes the term "manufactured home" includes mobile homes, park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For flood insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
59. **Manufactured Home Park or Subdivision** – A parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.
60. **Mediation** – A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

61. **Mobilehome** – A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) 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.
62. **Mobilehome Lot** – A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.
63. **Mobilehome Park** – A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.
64. **Municipality** – The Township of East Manchester, York County, Pennsylvania.
65. **Obstruction** – Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, 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, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to cause damage to life or property.
66. **On-lot Utilities** –
- A. **Sewage disposal system** – Any septic system or structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.
  - B. **Water distribution system** – A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.
67. **Open Space** – That portion of the land open to the sky and usually reserved in a natural state or for agricultural or outdoor recreational use.
68. **Percolation Test** – A procedure to determine the absorption rate of the soil in an area proposed as the installation site for an on-lot septic system. Such a test will be carried out according to the requirements of the Pennsylvania Department of Environmental Resources and shall be conducted by the Township Sewage Enforcement Officer.

69. **Permanent Foundation** – Walls of masonry or concrete construction, placed upon footers set to at least a depth of 36 inches below the surface of the ground and oriented to the perimeter of the dwelling to be placed thereon so as to provide a weather-tight joint on all sides of the dwelling.
70. **Plan** – The map or plan of a subdivision or land development, whether preliminary, tentative or final.
71. **Plan, Sketch** – An informal plan, not necessarily to exact scale, indicating existing features of a tract, its surroundings, and the general layout of a proposed subdivision or land development.
72. **Plan, Preliminary** – A tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layouts of a subdivision as a basis for consideration prior to preparation of the final plan.
73. **Plan, Final** – A complete and exact subdivision or land development plan prepared for official recording as required by statute.
74. **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 combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the East Manchester Township Zoning Ordinance.
75. **Planner** – A person duly qualified by the Commonwealth of Pennsylvania as a Planner-in-Charge.
76. **Planning Code** – The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, Act 247, as amended by Act 170 of 1988.
77. **Planning Commission** – East Manchester Township Planning Commission.
78. **Plat** – The map or plan of a subdivision or land development whether preliminary or final.
79. **Preliminary Percolation Test** – A procedure to permit visual inspection of geological formations and water table level in an area proposed as the installation site for an on-lot septic system. Such tests will consist of a trench which shall be two feet (2'0") wide and seven feet (7'0") deep or four feet (4'0") below the proposed installation level of the septic field, whichever is deeper. Such tests may be referred to as a "Deep Probe" or inspection trench and shall be open for inspection by the Township Sewage Enforcement Officer and the Department of Environmental Resources. No probe hole shall be left open over night.

80. **Public Grounds** – Parks, playgrounds and other public areas and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
81. **Public Hearing** – A formal meeting held pursuant to public notice by the Board of Township Supervisors, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.
82. **Public Meeting** – A forum held pursuant to notice under 65 Pa.C.S. Ch.7 (relating to open meetings).
83. **Public Notice** – Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. 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 thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
84. **Report** – Any letter, review, memorandum, compilation or similar writing made by any body, 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. 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.
85. **Reserve Strip** – A parcel of ground in separate ownership separating a street or road from adjacent properties or from another street.
86. **Re-Subdivision** – Any replatting or resubdivision of land limited to change in lot lines on an approved final plan or recorded plan.
87. **Right-of-way** – The entire portion of a public street, road, highway, public or private use, which is dedicated for the particular use. As to a right-of-way for a public street, road, or highway, the right-of-way shall be the entire width of any land reserved or dedicated to the Township or the Commonwealth either by subdivision or land development plan or by statute, whichever is greater.
88. **Runoff** – The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

89. **Runoff from a Fully Developed Area Upstream** – The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by the East Manchester Zoning Ordinance.
90. **Secretary** – The Township Secretary of East Manchester Township.
91. **Sedimentation** – The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remained suspended in water), it is usually referred to as "sediment".
92. **Sight Distance** – The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.
93. **Slope** – The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.
94. **Soil Stabilization** – Chemical, vegetative, or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.
95. **Start of Construction** – For flood plain management and flood insurance purposes only, the "Start of Construction" means either (1) the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or (2) the placement of a manufactured home on a foundation. Permanent construction as used in this definition does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
96. **Street** – Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended for use by vehicular traffic or pedestrians whether public or private. The word "street" includes the entire right-of-way and is not limited to the cartway area.
97. **Street Line or Street Right-of-way Line** – The outer edges of the area of a street right-of-way as laid out on a subdivision or land development plan, or dedicated to the Township, or granted to the Township by statute, whichever is greater. See definition of right-of-way.
98. **Structure** – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
99. **Subdivider** – See Applicant and Developer.

100. **Subdivision** – The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
101. **Substantially Completed** – Where, in the judgment of the Township Engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.
102. **Surface Drainage Plan** – A plan showing all present and proposed grades and facilities for storm water drainage.
103. **Surveyor, Registered** – A person duly registered as a professional surveyor by the Commonwealth of Pennsylvania.
104. **Swale** – A low-lying stretch of land which gathers or carries surface water runoff.
105. **Topsoil** – Surface soils and subsurface soils which presumably are fertile soils and soil material ordinarily rich in organic matter or humus debris. Topsoil usually found in the uppermost soil layer called the "A" Horizon.
106. **Township** – East Manchester Township, York County, Pennsylvania.
107. **Undeveloped Land** – Any lot, tract or parcel of land which has not been graded or in any other manner improved or prepared for subdivision or land development or for construction of any kind.
108. **Usable Open Space** – An unenclosed portion of the ground of a lot which is not devoted to driveways or parking spaces, which is free of structures of any kind, of which not more than twenty-five (25) percent is roofed for shelter purposes only, and which is available and accessible to all occupants of the building or buildings on the said lot for purposes of active or passive outdoor recreation.
109. **Water Survey** – An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.
110. **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 manmade.

111. **Wetland** – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.
112. **Zoning Officer** – The zoning administrative officer or his authorized representative, including zoning inspector(s), duly appointed by the Township Board of Supervisors.
113. **Zoning Ordinance** – The officially adopted East Manchester Township Zoning Ordinance with any and all amendments thereto.

## **ARTICLE III**

### **GENERAL PROCEDURE**

#### **SECTION 3.1        PREAPPLICATION PROCEDURES**

1.     Copies of This Ordinance shall be available for use by any person seeking information concerning land development and subdivision standards and procedures in effect within the Township. Any prospective developer or sub-divider may meet with the Township Planning Commission to discuss and review tentative plans and any provisions of This Ordinance.
  
2.     Prior to the final plan submission, the prospective developer must have complied with all planning requirements of the Pennsylvania Sewage Facilities Act as administered by the Pennsylvania Department of Environmental Resources. It is suggested that the prospective developer consult the Township Sewage Enforcement Officer and the York County Office of the Pennsylvania Department of Environmental Resources as to the requirements of that Act.
  
3.     Prospective developers shall consult the York County Conservation District representative concerning erosion and sediment control, wetlands and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development. Land that is subject to flooding shall not be platted for residential occupancy or for any other use that may endanger health, life, or property. Such land within a subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional flooding and shall not produce unsatisfactory living conditions.

#### **SECTION 3.2        PREPARATION OF PLANS**

1.     All plans are to be prepared in accordance with the specifications set forth by the "Professional Engineers Registration Law" (P.L. 913, No.367). All plans shall bear a certification as defined by Article II of This Ordinance.

#### **SECTION 3.3        SUBMITTAL OF PLANS**

1.     No plans except sketch plans will be considered by the Planning Commission unless the applicant submits said plans, along with all required supporting documentation and the required fees to the Township Secretary not later than the last business day of the calendar month prior to the next month's regularly scheduled meeting of the Planning Commission. No application shall be deemed filed unless all requirements have been met and all fees therefore paid in full. Incomplete submissions shall not be distributed for review.

2. The applicant shall submit an Application for Subdivision and Land Development and copies of proposed Preliminary Plan to the Township Secretary. If the applicant makes substantial revisions in his plans after they have been approved in preliminary form, such revised plans shall be treated as new Preliminary Plans when resubmitted.
3. The Township Secretary shall receive all fees on behalf of the Township.
4. The Township Secretary shall maintain a permanent log which shall indicate the following:
  - A. The title of the Plan.
  - B. The name of the owner or developer of the Plan.
  - C. The name of the surveyor or engineer preparing the Plan.
  - D. The name, address, telephone number and relationship to the owner or developer of the Plan of the person filing the Plan.
  - E. The date, time and place of the filing.
5. The applicant shall distribute the required number of copies to the agencies concerned as provided in submission procedures as adopted by the Township from time to time and available at the Township Office.
6. Upon approval of the Preliminary Plan, the applicant shall submit a Final Plan to the Township Secretary and the applicant shall distribute the required number of copies to the Township agencies concerned as provided in submission procedures as adopted by the Township from time to time and available at the Township Office.
7. Mobilehome park plans shall be reviewed in the same manner as subdivision and land development plans.
8. A copy of the Application for Subdivision and Land Development and accompanying plan(s) shall be forwarded by the applicant to the County Planning Commission for review and report together with the County's established fee, which fee shall be paid by the applicant.
9. All approvals of final subdivision and land development plans, and of any preliminary plans which are to be recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania, shall be conditional approvals. In addition to any other conditions of approval, such approval shall be conditioned on the developer obtaining the uniform parcel identifier number for each lot to be created by or identified on that subdivision or land development plan. At the time of the conditional approval by the Board of Supervisors, the Chairman, or in his or her absence, the Vice-Chairman, shall

sign the letter to the Tax Map Office, in a form to be approved by the Board of Supervisors, noting the approval of the plan conditioned on the placement of uniform parcel identifier numbers on the plan. The developer shall then take a notarized copy of the plan, which copy is intended to be recorded in the Office of the Recorder of Deeds, together with the letter executed by the Township, to the Tax Map Office of York County, for the assignment of uniform parcel identifier numbers, which numbers shall be placed on the appropriate table on the plan, as required in Section 6.1.1.B(x). After those numbers are assigned, the developer shall return the copy of the plan on which those numbers are originally affixed, together with one (1) identical copy (complete with uniform parcel identifier numbers), and a check made out to the "York County Recorder of Deeds" in the amount determined by the Tax Map Office to be due for the assignment of the uniform parcel identifier numbers, to the Township, after which, upon the meeting of all conditions of the approval, the Board of Supervisors shall sign the plan and cause it to be recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania.

#### **SECTION 3.4 APPROVAL OF PLANS**

1. No Plan will be considered by the Board of Township Supervisors for approval or disapproval unless all of the following have been received:
  - A. Township Planning Commission report;
  - B. County Planning Commission report; and
  - C. Engineer's report.
  - D. No sooner than thirty (30) days nor later than sixty (60) days after the applicant submits the subdivision or land development plan, the applicant shall file with the Pennsylvania Department of Transportation (PennDOT) an application for a highway occupancy permit, if any shall be required for the particular subdivision or land development, and shall at the same time submit a complete copy of the highway occupancy permit application to the Township and the York County Planning Commission.
2. After receipt of the Township Planning Commission's recommendations, the Board of Township Supervisors shall:
  - A. Evaluate the applicant's submission and presentation, the report of the Township Planning Commission and review comments of the County Planning Commission and Township Engineer and/or Planning Consultant.
  - B. Determine whether the Plan meets the objectives and requirements of This Ordinance and other ordinances of the Township.

- C. Either approve, conditionally approve, or disapprove the Plan.
3. The Board of Township Supervisors shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Board or Planning Commission (whichever first reviews the application) next following the date the application was filed. Provided, that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application was filed.
- A. The decision of the Board 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 application 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 Township Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
  - D. The Board of Township Supervisors shall not approve any Plan until the County Planning Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.
4. In the event that the Board of Township Supervisors shall approve a plan subject to conditions, the applicant shall indicate, in writing, his acceptance or rejection of any conditions which may be imposed. Approval of the plan shall be automatically rescinded upon the applicant's failure to accept or reject such conditions within thirty (30) days of the date of the Board's written communication of its decision.
5. Effects of Changes in the Ordinance
- A. 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 ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary

application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

- B. When an application for approval of a plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
- C. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- D. 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 Township Supervisors no change of municipal ordinance or plan enacted subsequent to the date of filing of the Preliminary Plan shall modify or revoke any aspect of the approved Final Plan pertaining to zoning classification or density, lot, building, street or utility location.
- E. In the case of a Preliminary Plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the Preliminary Plan delineating all proposed phases as well as deadlines within which applications for Final Plan approval of each phase are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the Preliminary Plan approval, until Final Plan approval of the final phase has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board of Township Supervisors in its discretion.
- F. Each phase in any residential subdivision or land development, except for the last phase shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the Preliminary Plan, unless a lesser percentage is approved by the Board of Township Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the Preliminary Plan approval, including compliance with landowner's aforesaid schedule of submission of Final Plans for the various phases, then the aforesaid protections afforded by substantially completing the improvements depicted upon

the Final Plan within five (5) years shall apply and for any phase or phases, beyond the initial phase, in which the required improvements have not been substantially completed within said five-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 phase.

G. Failure of landowner to adhere to the aforesaid schedule of submission of Final Plans for the various phases shall subject any such phase to any and all changes in zoning, subdivision and other governing ordinance enacted by the Township subsequent to the date of the initial Preliminary Plan submission.

6. Before acting on an application, the Board of Township Supervisors may hold a public hearing thereon after public notice.

7. Expiration of Preliminary Plan Approval

Preliminary Plan approval shall expire upon the expiration of five (5) years after being granted.

8. Effect of Preliminary Plan Approval.

Approval of the Preliminary Plan constitutes approval of the proposed subdivision or land development in respect to general design, the approximate dimensions and other planned features. Preliminary Plan approval binds the applicant to the general scheme of the Plan

as approved and permits the applicant to begin preparation of the Final Plan. Preliminary Plan approval does not authorize the recording, sale or transfer of lots.

**SECTION 3.5 MINOR SUBDIVISION OR LAND DEVELOPMENT PLANS**

1. Any subdivision or land development which contains no more than four (4) lots or prospective occupants, may be reviewed and acted upon as a Final Plan without the necessity of a prior Preliminary Plan approval. Such determination shall be made by the Board of Township Supervisors after receipt of a written request for waiver of the requirement for a Preliminary Plan and upon recommendation of the Township Planning Commission based upon the following considerations:

A. The proposed subdivision or land development does not involve site and related improvements to the extent that a detailed review by the Township necessitates initial processing as a Preliminary Plan.

B. The tract of land has frontage on a public street of sufficient width.

C. The proposed subdivision or land development complies with the applicable provisions of This Ordinance.

- D. After one (1) minor subdivision has taken place within any given tract, the applicant shall be required to submit a complete Preliminary Plan for the entire tract on the next subsequent application, unless the size, frequency and interrelationship of the prior subdivision clearly does not warrant such as determined by the Board of Township Supervisors.
- E. Proof shall be provided to the Board of Township Supervisors in a form satisfactory to them evidencing the issuance by PennDOT of a highway occupancy permit if required for the subdivision or land development before the Board of Township Supervisors.

**SECTION 3.6            ADDITIONS TO EXISTING LOTS**

- 1. A parcel of land may be added to an existing recorded lot for the sole purpose of increasing the lot size provided that:
  - A. The parcel to be added must be contiguous to the existing lot and must maintain or improve the overall straightness of lot lines.
  - B. The Plan prepared for the addition of this parcel shall follow the procedures outlined in This Ordinance except that a preliminary plan need not be filed.
  - C. The owner shall specify on the plan that the parcel is for the sole purpose of enlarging an existing lot and shall be merged into the existing recorded lot. The combined tracts shall then be treated as one lot for all purposes under this and all other ordinances of East Manchester Township, existing or future.

**SECTION 3.7            RESUBDIVISION PROCEDURE**

- 1. Any replatting or re-subdivision, including changes to a recorded plan, shall be considered as a new application, and shall comply with all requirements of This Ordinance.

## **SECTION 3.8 FEES AND OTHER COSTS**

1. The Board of Township Supervisors shall set fees, payable in advance, for review of plans. Such review fees may include reasonable and necessary charges by the Township's professional consultants or engineer for review and report thereon to the Township. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township engineer or consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants. Such fees shall be based upon a schedule adopted by Resolution of the Board of Township Supervisors upon enactment of this Ordinance, or as such schedule may be amended. A copy of said fee schedule shall be available for review at the Township Office.
2. All fees and other charges shall be paid by the subdivider or developer to the Township Secretary. Payment shall be by check or money order made payable to East Manchester Township except that the requisite fee for County Planning Commission review shall be made payable to York County. All fees and other charges shall be due and payable at the time of invoice. Invoices that are more than twenty (20) days past due shall be assessed interest at the annual rate of ten percent (10%). The Township shall be entitled to take any action allowed at law to enforce past due payments, including the assertion of a municipal lien against the property. The Township shall be entitled to all costs, including reasonable attorney fees, in the collection of any past due payments.
3. Filing Fee
  - A. A filing fee shall accompany all preliminary and final subdivision and land development plans. No application shall be accepted by the Township Secretary or acted upon unless payment is made to the Township. The Board of Supervisors shall by resolution create a schedule of fees to defray the cost of administering and processing plans. The schedule of fees may be changed from time to time by resolution of the Board of Supervisors.
4. Other Costs
  - A. In addition to the requisite filing fees, the subdivider or developer shall reimburse the Township for the following costs:
    - (1) Plan and associated document review by the Township Engineer and/or Planner and the Township Solicitor.
    - (2) Any public hearing required by the Board of Supervisors.
    - (3) Reviewing the results of soil tests as may be required under the provisions of Section 10.2. Subsection 1.C.

- (4) Site and layout inspection.
  - (5) Preparing or reviewing cost estimates of required improvements, review of requests for reduction of a performance or maintenance guaranty bond or other security agreement upon partial or total completion of required improvements, or determination of required amounts of performance or maintenance guaranty bond or other security agreement.
  - (6) Inspecting required improvements during installation.
  - (7) Final inspection on completion of installation of improvements.
  - (8) The costs of all street signs and traffic control signs on streets to be constructed by the subdivider or developer which are dedicated to and/or intended to be adopted by the Township.
5. An applicant by filing for a subdivision or land development plan approval shall then be obligated to pay all costs hereinabove provided. Payment of such costs shall be promptly submitted to the Township Zoning Officer by the applicant upon submission of bills therefore from time to time.
  6. No final subdivision or land development plan shall be approved by the Board of Supervisors, and no building permit or other permit required by This Ordinance or any other Township ordinance, code or regulation shall be issued by the Township Zoning Officer until all such fees and costs have been paid in full by the applicant.

### **SECTION 3.9 DISPUTES OVER FEES**

1. In the event the applicant disputes the amount of any such review fees, the applicant shall, no later than 45 days after the date of transmittal of the bill to the applicant, pay the undisputed amount and notify the Township and the Township's professional consultant that such fees are disputed and shall explain the basis of their objections to the fees charged, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within 45 days shall be a waiver of the applicant's right to arbitration of that bill under 53 P.S. § 10510(g).
2. In the event that the Township's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution as set forth in Section 10.7, provided that the arbitrator resolving such dispute shall be of the same profession as the professional consultant whose fees are being disputed.

**SECTION 3.10        MEDIATION OPTION**

1.     The Township may offer a mediation option as an aid in completing proceedings required by this Article. In exercising such an option, the Township and mediating parties shall meet the stipulations and follow the procedures set forth in Article XI of this Ordinance.

**SECTION 3.11        STATE HIGHWAY ACCESS**

1.     No plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation (PennDOT) shall be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted.
2.     The Department shall, within sixty (60) days of the date of receipt of an application for a highway occupancy permit:
  - A.     approve the permit, which shall be valid thereafter unless, prior to commencement of construction thereunder, the geographic, physical or other conditions under which the permit is approved change, requiring modification or denial of the permit, in which event the Department shall give notice thereof in accordance with regulations;
  - B     deny the permit;
  - C.     return the application for additional information or correction to conform with Department regulations; or
  - D.     determine that no permit is required in which case the Department shall notify the Township and the applicant in writing.
3.     If the Department shall fail to take any action within the sixty (60) day period, the permit will be deemed to be issued.
4.     The Plan shall be marked to indicate that access to the State highway shall be only as authorized by a highway occupancy permit.
5.     Neither the Department nor any municipality to which permit-issuing authority has been delegated under the "State Highway Law" shall be liable in damages for any injury to persons or property arising out of the issuance or denial of a driveway permit, or for failure to regulate any driveway. Furthermore, the Township 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.

## **ARTICLE IV**

### **PREAPPLICATION CONSULTATION**

#### **SECTION 4.1       CONSULTATION WITH PLANNING COMMISSION**

1. The pre-application conference and any other communications shall be kept as confidential as possible. Before going ahead with the Preliminary Plan procedure or with steps to acquire land or subdivide, the subdivider or developer should be familiar with these regulations and should consult with the Planning Commission about the following factors:
  - A. The suitability of the site for development.
  - B. The demand for a development of the type proposed in the particular location proposed.
  - C. The accessibility of the site.
  - D. The availability of public facilities (schools, parks, water, sanitary and storm sewerage, etc.) and public services (police, fire, refuse disposal, etc.).
  - E. The effect on the project of any contemplated improvements or the proposals of any comprehensive plan and these regulations.
  - F. Sewage facilities requirements of the Department of Environmental Resources and the Township.
  - G. Erosion and Sedimentation Plans and permits as required by the Department of Environmental Resources and administered by the Conservation District of York County.
  - H. Precautionary measures to preserve or protect historic and natural features.
  - I. Approvals by all appropriate State and Federal agencies.

#### **SECTION 4.2       SKETCH PLAN SUBMISSION**

1. It is suggested that prior to the consultation with the Planning Commission, the subdivider or developer prepare a Sketch Plan of his proposed development. It is suggested that the subdivider or developer submit sufficient data to the Planning Commission for purposes of generally illustrating and discussing the proposed project. A sketch plan may be submitted to the Township Zoning Officer for review by noon of the last business day of the calendar month prior to the regular meeting of the Planning Commission at which it is to be considered. Submission of a sketch plan will not

constitute a formal filing of an application for subdivision or land development approval with the Township. The Planning Commission may comment upon such sketch plan, but no formal approval or disapproval shall be given.

### **SECTION 4.3           CONTENT OF SKETCH PLAN**

1.     A sketch plan should contain at least the following information:
  - A.     Location map.
  - B.     General information concerning any community facilities or any other significant man-made or natural features, such as wooded areas, wetlands and floodplains, that will affect the proposal.
  - C.     A property map at a legible scale showing the specific parcel of land or site involved.
  - D.     A sketch of the proposed development drawn at a scale no smaller than 1" = 400' showing the proposed layout of streets and lots, and other features of the subdivision.
  - E.     A sketch plan need not be to exact scale nor are precise dimensions required.

## ARTICLE V

### PRELIMINARY PLANS

#### SECTION 5.1 PLAN REQUIREMENTS

1. The Preliminary Plan submission shall be drawn by a Professional Land Surveyor or a Professional Engineer in accordance with the standard set forth in the "Professional Engineers Registration Law" (P. L. 913, No. 367).

##### A. Plan Size and Scale

- (1) The preliminary subdivision or land development plan shall be in the form of a map or series of maps on sheet sizes either eighteen inches by twenty-four inches (18" x 24") or twenty-four inches by thirty-six inches (24" x 36") drawn to one of the following scales:
  - (a) Tracts of one (1) acre or less shall be drawn at a scale of no less than 1" equals 50'.
  - (b) Tracts of one (1) to ten (10) acres shall be drawn at a scale of no less than 1" equals 100'.
  - (c) Tracts in excess of ten (10) acres shall be drawn at a scale of no less than 1" equals 200'.
  - (d) Tracts to be used for commercial, industrial or high density housing development shall be at a scale of no less than 1" equals 50'.
- (2) The applicant shall submit the required number of plans to the Township and agencies concerned as provided in submission procedures as adopted by the Township from time to time and available at the Township Office.

##### B. Preliminary Plan Information

- (1) The preliminary plan shall show:
  - (a) The proposed name or identifying title of the project, date of the original submission and of each subsequent revision, written and graphic scale and north point.
  - (b) The name and address of the subdivider or developer. The name, address, license number, seal, and signature of the registered engineer or registered surveyor who shall have prepared the plan.

- (c) The name, address and signature of the owner and the date of the owner's approval of the plan.
- (d) A location map showing the proposed project in relation to adjacent properties and existing streets municipal boundaries, and recorded subdivision plans existing within one thousand (1,000) feet of any part of the tract being subdivided. The location map may be at a scale no less than 1" equals 2,000' and shall show a title, scale and north point.
- (e) The limits and dimensions of the tract to be subdivided or developed. The proposed location and elevation of all boundary line (perimeter) monuments shall be indicated. The total area being subdivided or developed shall be indicated.
- (f) Existing contour lines at vertical intervals of two (2) feet for land with average natural slope four percent (4%) or less, and at intervals of five (5) feet for land with average slope exceeding four percent (4%). The Planning Commission may also require supplemental plans showing final proposed contours.
- (g) Location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be an established U.S.G.S. benchmark.
- (f) Certification by the professional engineer or surveyor that the topography shown resulted from an actual survey and the date of that survey.
- (g) All existing water courses, wetlands, floodplains, tree masses or other significant natural features.
- (h) All existing buildings, sewers, water mains, culverts, petroleum or petroleum products lines, underground electric and telephone lines, fire hydrants and other significant man-made features.
- (i) All existing streets on or adjacent to the tract, including name, right-of-way width and cartway width.
- (j) All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.

- (k) Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions and areas of all lots; proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use; proposed street names; proposed watercourses and detention ponds; proposed phasing of land development. However, no final plan will be considered for approval by the Board of Supervisors at the same meeting that the preliminary plan is considered for approval. Any final plan may be submitted for approval to the Board of Supervisors for consideration and approval no earlier than the next available meeting of the Board of Supervisors after the preliminary approval is granted.
- (l) Total number of lots, average lot size, density, open space and existing zoning classification.
- (m) Names of owners of all adjoining properties and the names of all abutting subdivisions. When adjacent properties are part of a recorded subdivision plan, only the lot number and subdivision name need be shown.
- (n) When on-lot sewage systems are proposed, the locations of all soil percolation test sites and probe sites shall be shown.
- (o) When on-lot water supply is proposed, the location of all well sites shall be shown.
- (p) Location, size and invert elevation of all existing and proposed sanitary sewers including any and all existing or proposed capped sewer lines and location of all manholes, inlets and culverts.
- (q) Location, size and invert elevation of all existing and proposed storm sewers and material of each indicated, and any proposed connections with existing facilities.
- (r) Location and size of all existing and proposed water mains.
- (s) Where the preliminary plan covers only a part of the subdivider's entire holding, a sketch shall be submitted of the prospective street layout for the remainder.
- (t) Block for signatures of the Planning Commission and date of recommendation.

- (u) Block for signatures of the Board of Supervisors and date of approval.
- (v) Land development plans shall show building locations and parking areas in addition to the above information.
- (w) Copies of proposed deed restrictions shall be included with the preliminary plan.
- (x) Tax Map and Parcel information for the original tract being subdivided or developed.
- (y) The existing uniform parcel identifier number for each existing tract or separate lot which is not being created by the plan, including but not limited to the parent tract which is being subdivided.
- (z) On the first page of the plan, or, in the event of a plan creating or identifying a large number of lots, at such place on the plan as can be readily located, a table identifying each lot number being created or identified by lot number, with a column identified for the placement of the uniform parcel identifier number for each lot, to be assigned by the Tax Map Office, and a column identified as the street address for each lot, to be assigned by the Township.

C. Required Supplemental Data

- (1) The preliminary plan shall be accompanied by the following supplemental data where applicable:
  - (a) Whenever a tract or other parcel of land, or part thereof, proposed for subdivision or land development is located adjacent to a designated floodplain district, a map showing the location of the proposed subdivision or land development with respect to any designated floodplain district including information on the one hundred (100) year flood elevations.
  - (b) Where the subdivision or land development lies partially or completely within any designated floodplain district or where such activities border on any designated floodplain district, the preliminary plan map shall include the following information:
    - 1) the location and elevation of proposed roads, utilities, and building sites, fills, flood or erosion protection facilities.

- 2) the one hundred (100) year flood elevations.
  - 3) areas subject to special deed restrictions.
  - 4) contours at intervals of two (2) feet.
  - 5) accurate boundaries of the designated floodplain districts.
- (c) Copies of cross-section drawings for all proposed streets showing rights-of-way, cartway widths, location of sidewalks, and planting strips. Copies of profile drawings of all proposed streets showing existing and proposed grade.
- (d) Copies of plans and profiles of existing and proposed sanitary and storm sewer systems, water distribution systems, and any other pertinent utilities. Such plans shall include grades, pipe sizes and the location of valves and fire hydrants.
- (e) Results of preliminary percolation tests which shall be conducted in accordance with the Rules and Regulations of the Department of Environmental Resources and inspected by the Township's Sewage Enforcement Officer.
- (f) Whenever a single tract or other parcel of land, or part thereof, is subdivided or developed such that the subdivision or development is subject to the Rules and Regulations of the Department of Environmental Protection pursuant to the Pennsylvania Sewage Facilities Act, as amended, the subdivider or land developer shall prepare, for the use of the Township, copies of a formal revision to the municipality's Official Sewage Facilities Plan (Act 537 Plan) and copies of any required supporting data. A Plan Revision Module established by the Department of Environmental Protection and available at the office of the Township shall be used as the format for the formal revision.
- 1) A preliminary plot plan indicating within the site the location of existing and proposed buildings, lot lines, sewage or sewerage systems, all sources of water supply such as wells and springs, ponds, streams, and other bodies of water, rights-of-way, streets, roadways, highways, and access routes.
  - 2) Information relating to the type of water supply and sewage supply provided or to be provided including soil conditions and limitations for on-lot sewage disposal if applicable.

- 3) Information relating to adjacent property, building, sources of water supply, ponds, streams, sewage or sewerage systems, rights-of-way, streets, that may have a significant effect on the environmental and sanitary aspects of the proposed subdivision.
  - 4) Direction to north, direction of slopes, and degree of slope.
  - 5) Direction and distance of the nearest sewage treatment plant and information as to its present or future accessibility in terms of time, finances and load capacity as well as the sources of this information
- (g) Whenever a single tract or other parcel of land, or part thereof, is subdivided or developed and the subdivision or land development involves; a new street, activity in any designated floodplain district, a required stormwater drainage or management plan, earthmoving activity, subdivision consisting of three (3) or more residential lots (this is not to be construed to include large residual lots), any land development on a lot or site in excess of one (1) acre, an erosion and sedimentation plan shall be required.
- 1) Such plans shall show, as a minimum, the information required by Section 8.11 of This Ordinance.
  - 2) Copies of any required erosion and sedimentation plan shall be submitted to the Township.
  - 3) Such plans may be combined with any required stormwater drainage or stormwater management control plan.
- (h) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Resources and the Pennsylvania Department of Transportation.

- (i) Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback or right-of-way lines. This requirement may be satisfied by submitting a copy of any recorded agreement containing such information.
  - (j) Whenever a single tract or other parcel of land, or part thereof, proposed for subdivision or land development requires stormwater drainage facilities which receive water from drainage areas in excess of one-half (1/2) square mile (320 acres), the subdivider or developer shall prepare a Stormwater Drainage Plan.
    - 1) Such plans shall show, as a minimum, the information required by Section 8.12 of This Ordinance.
    - 2) Copies of any required stormwater drainage plan shall be submitted to the Township
    - 3) Such plans may be combined with any required erosion and sedimentation control plans.
  - (k) In the event that the Plans propose extension of service into the project by any Authority or jurisdiction other than the Township, a statement from the applicable Authority or jurisdiction regarding the adequacy of such extension shall be submitted.
  - (l) If water is to be supplied by means other than on-site wells, maintained and operated by individual lot owners, a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such, a cooperative agreement or commitment must accompany the Plan as evidence that the proposed development will be supplied with an adequate, reliable and safe water supply.
2. No sooner than thirty (30) days nor later than sixty (60) days after the applicant submits the preliminary plan, the applicant shall submit to PennDOT, where required for final approval of the plan, a highway occupancy permit application, and shall at the same time provide the Township and the York County Planning Commission with a complete copy of that application, together with proof satisfactory to the Township that the applicant has filed that application with PennDOT.

## **SECTION 5.2            REVIEW PROCEDURES**

1.     On or before the last business day of the calendar month prior to the next month's regularly scheduled meeting of the Planning Commission at which initial consideration is desired, applicant shall submit the required number of preliminary plans and accompanying documentation to the Township and agencies concerned as provided in submission procedures as adopted by the Township from time to time and available at the Township Office. Applicant shall submit additional copies of plans and supplemental data as provided in the submission procedures.  
Additionally, Preliminary Plans shall be submitted to adjacent municipalities and governmental agencies or authorities that may be affected by the Plan.
  
2.     At a regular or special Planning Commission meeting following receipt of reports from agencies listed above, but in no case later than sixty (60) days from the time of Preliminary Plan submission, the Planning Commission shall:
  - A.     Review the applicant's submission.
  - B.     Review all reports received.
  - C.     Discuss submission with applicant, or applicant's agent.
  - D.     Evaluate the plan, reports, and discussion.
  - E.     Determine whether the Preliminary Plan meets the objectives and requirements of This Ordinance and other ordinances of the Township.
  - F.     Determine any required supplemental plans and/or studies, such as Traffic Impact Studies, Environmental Impact Assessment Reports, etc.
  - G.     Either recommend approval, disapproval or conditional approval of the Preliminary Plan.
  - H.     Submit its reports to the Board of Township Supervisors. When the Planning Commission recommends disapproval 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 to the provisions of the ordinance relied upon.
  - I.     The Township Planning Commission shall transmit the plans and report its decision, comments and/or recommendations in writing to the Board of Township Supervisors.

3. During the course of the Planning Commission's review of the Preliminary Plan and prior to any action by the Board of Township Supervisors within the required ninety (90) day review period, the Preliminary Plan may be revised by the applicant. The required number of copies of the revised plan shall be submitted which shall note the dates of any and all revisions and a summary of the nature thereof. One of the copies submitted shall be color coded to identify the revisions. Upon submission of a revised Preliminary Plan, a new ninety (90) day time period shall commence from the date of the Planning Commission's meeting next following the filing of the revised Preliminary Plan provided, however, should the date of the Planning Commission's next meeting be more than thirty (30) days from the submission date of the revised Preliminary Plan, the ninety (90) day review period shall commence on the thirtieth (30<sup>th</sup>) day after submission of the revised Preliminary Plan. If it is determined that the revision(s) are of a substantial nature, the applicant shall resubmit the plan as a new submission subject to all submission procedures and applicable fees for a new submission.
4. Upon review of a subdivision or land development plan, the Township Engineer shall make comments and recommendations in writing to the Township Planning Commission and the Board of Township Supervisors.
5. The Township engineer shall review the highway occupancy permit application, and shall, within thirty (30) days of its receipt, submit comments to the Township and PennDOT regarding the highway occupancy permit application.

### **SECTION 5.3 PLAN APPROVAL**

1. The Board of Township Supervisors shall render its decision and communicate it to the applicant in accordance with the requirements of Section 3.4 of this Ordinance.
2. The preliminary plan shall not be approved by the Board of Township Supervisors unless and until the applicant has provided the Township with evidence of the filing of a highway occupancy permit application as required in Section 5.1.4. Any preliminary plan approval by the Board of Township Supervisors which is granted prior to the issuance of a highway occupancy permit by PennDOT shall be conditioned on such approval being given by PennDOT. Any changes which become necessary to the final plan after preliminary plan approval which are as a direct result of modifications caused by the highway occupancy permit application process shall be capable of being implemented in the final plan, notwithstanding the fact that they may cause a variation in the final plan from that of the approved preliminary plan.

## ARTICLE VI

### FINAL RECORD PLANS

#### SECTION 6.1 PLAN REQUIREMENTS

1. The Final Plan shall be prepared by a Professional Land Surveyor or a Professional Engineer in accordance with the standards set forth in the "Professional Engineers Registration Law" (P.L. 913, No. 367). Final Plans shall conform in all important details with Preliminary Plans as previously approved, and any conditions specified in the approval of Preliminary Plans shall be incorporated in the Final Plans. Final Plans shall show the following:

A. Plan Size and Scale

- (1) The final the subdivision or land development plan shall be in the form of a map or series of maps on sheet sizes either eighteen inches by twenty-four inches (18" x 24") or twenty-four inches by thirty-six inches (24" x 36"). Maps shall be drawn to one of the following scales:
  - (a) Tracts of one (1) acre or less shall be drawn at a scale of no less than 1" equals 50'.
  - (b) Tracts of one (1) to ten (10) acres shall be drawn at a scale of no less than 1" equals 100'.
  - (c) Tracts in excess of ten (10) acres shall be drawn at a scale of no less than 1" equals 200'.
  - (d) Tracts to be used for commercial; industrial or high density housing development shall be at a scale of no less than 1" equals 50'.
  - (e) The Planning Commission may, at the time it makes its recommendations on the preliminary plans, require that final plans be prepared at a scale of 1" equals 50' to assure legibility in cases warranted by the complexity of the proposal.

B. Final Plan Information

- (1) The final plan shall show:
  - (a) The items required to be shown in preliminary plans as specified in Section 5.1.2 of This Ordinance.

- (b) The date of approval of the preliminary plans and any subsequent revisions.
- (c) The date of the original final plan submission and of each subsequent revised submission.
- (d) The total tract boundary lines of the area being subdivided or developed accurate to hundredths of a foot and bearings to one quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.
- (e) Final topographic contours at vertical intervals of two (2) feet for land with average natural slope of four percent (4%) or less, and at intervals of five (5) feet for land with average slope exceeding four percent (4%).
- (f) A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any designated floodplain district. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the flood-prone areas.
- (g) The following data for curb lines and right-of-way lines of all existing, recorded and proposed streets within the tract being subdivided or developed:
  - 1) The length in feet and hundredths of a foot of all straight lines and of the radius and the arc or chord of all curved lines including curved lot lines.
  - 2) The width in feet of the cartway, right-of-way and, where required, of the ultimate right-of-way, and the degrees, minutes and quarter of a minute of the delta angle of all curved lines including curved lot lines
- (h) If the subdivision or development proposes a new street intersection with a State Legislative Route, the Pennsylvania Department of Transportation intersection permit number(s) shall be shown for all such intersections.

- (i) The location and elevation of all existing and proposed street monuments.
- (j) The location of all proposed street lights and street signs.
- (k) Final lot lines with dimensions and areas. All lot lines shall be defined in feet and hundredths of a foot by distances and in degrees, minutes and quarters of a minute either by magnetic bearings or by angles of deflection from other lot and street right-of-way lines. Any lot line created by a subdivision along a street, either existing or proposed, shall be shown to the center of the street, unless such lot line is along the boundary of the entire property to be subdivided, in which case the lot line shall extend and be shown to the limits of the previous deed. All final plans shall contain a note stating that monuments placed pursuant to Section 9.9.1.1 shall be placed at the corner of a lot line and street right-of-way line, and the side lot lines shall continue an additional specified number of feet to the center line of the street.
- (l) The minimum building setback lines for all lots or other sites.
- (m) A statement of the types of structures to be erected and a summary table of the number of structures and dwelling units proposed.
- (n) A statement of the intended use of all non-residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if recorded, including the book and page number.
- (o) Location and size of existing and proposed utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
- (p) The location of any existing bodies of water or watercourses, tree masses, buildings or structures including the location of wells and on-site sewage facilities for such buildings or structures, public facilities and any other manmade or natural features within or near the proposed subdivision.
- (q) Certification of ownership, acknowledgment of approval of the plan and offer of dedication of streets and other public lands as may be offered shall be lettered on the plan and shall be duly acknowledged and signed by the owner(s) of the land being

developed or subdivided. Such certification shall bear the signature and seal of a notary public.

- (r) Certification by the surveyor or engineer preparing the plans that the plans are in conformity with building, sanitation and other applicable Township ordinances and regulations and with the regulations governing the extension of utility services into the Township. In any instance where such plans do not conform, evidence shall be presented that an exception has been officially authorized.
- (s) Block for signature of the Planning Commission and date of recommendations.
- (t) Block for signatures of the Board of Supervisors and date of approval.
- (u) If public or private sewer service is proposed, a block for signatures of the Northeastern York County Sewer Authority and date of approval.
- (v) Where access to a highway under jurisdiction of the Pennsylvania Department of Transportation is proposed, a notation as follows:

"A highway occupancy permit is required pursuant to Section 420 of the State Highway Law before driveway access is permitted. Access to the State highway shall be only as authorized by a highway occupancy permit."
- (w) Tax Map and Parcel information for the original tract being subdivided or developed.
- (x) The existing uniform parcel identifier number for each existing tract or separate lot which is not being created by the plan, including but not limited to the parent tract which is being subdivided.
- (y) On the first page of the plan, or, in the event of a plan creating or identifying a large number of lots, at such place on the plan as can be readily located, a table identifying each lot number being created or identified by lot number, with a column identified for the placement of the uniform parcel identifier number for each lot, to be assigned by the Tax Map Office, and a column identified as the street address for each lot, to be assigned by the Township.

- (z) Prior to final plan approval, the developer shall add to the plan, in the table required in subsection (y), above, the street and house number addresses for each tract or lot created or shown on the plan, as assigned by the Township.

C. Required Supplemental Data

- (1) The final plan shall be accompanied by the following supplemental data and permits where applicable:
  - (a) Copies of a utility map or maps showing tract boundaries, existing and proposed streets, lot lines, sanitary and storm water sewer facilities, water mains, and other underground utilities, curbs, sidewalks, fire hydrants, manholes and street light standards.
  - (b) Copies of profile and cross-section maps or diagrams of streets showing final grades of curbs, sanitary and stormwater sewers, water mains, underground utilities and stormwater management facilities.
  - (c) An agreement that the subdivider or developer will install all underground utilities before paving streets or constructing sidewalks.
  - (d) Agreements from electric and other private utility companies stating that they will provide timely service to the subdivision or land development.
  - (e) Final designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Resources and the Pennsylvania Department of Transportation.
  - (f) Where the Final Plan covers only a part of the entire landholdings, a sketch of the future street system of the unsubmitted part shall be furnished. The street system of the submitted part will be considered in light of adjustments and connections with future streets in the part not submitted.
  - (g) Water and sewer feasibility reports as may be required including any updated information which may have become available since the submission of the preliminary plan.
  - (h) Copies of all required permits and related documentation from the Department of Environmental Resources, and any other

Commonwealth agency, where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community Affairs, and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.

- (i) Copies of the erosion and sedimentation plan as approved by the York County Conservation District Office.
- (j) Copies of the stormwater drainage plan.
- (k) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title of the land being subdivided.
- (l) Any other certificates, affidavits, endorsements or dedications, that may be required by the Planning Commission or the Board of Supervisors.
- (m) Evidence that the subdivider or developer has installed the necessary street and other improvements as required in Section 9.2 of This Ordinance in accordance with Township standards and specifications, or that the subdivider has furnished the Township the following assurances that said improvements will be installed:
  - 1) A written agreement concerning improvements not yet completed, in a form provided by the Township, that the subdivider or developer will lay out and improve roads and streets, erosion and sediment control facilities, and construct all of the improvements required in Article IX of This Ordinance as a condition of the approval of the plan by the Board of Supervisors within the time or times specified therein.

- 2) A bond, or other security, in such amount as required by Section 10.1 of This Ordinance, to guarantee the performance of the subdivider's or developer's undertaking in Subsection 6.1.3.13.1 above and to secure the completion of all required improvements within the time therein specified and a written agreement that, upon acceptance of the said streets or improvements, the subdivider or developer shall provide a maintenance guarantee in accordance with the provisions of Section 10.8 of This Ordinance.

## **SECTION 6.2 REVIEW PROCEDURE**

1. On or before the last business day of the calendar month prior to the next month's regularly scheduled meeting of the Planning Commission at which initial consideration is desired, applicant shall submit the required number of final plans and accompanying documentation to the Township and agencies concerned as provided in submission procedures as adopted by the Township from time to time and available at the Township Office. Applicant shall submit additional copies of plans and supplemental data as provided in the submission procedures. However, except for plans submitted pursuant to Section 3.5 of this Ordinance, no final plan shall be submitted to or accepted by the Township until after the Township Planning Commission has completed its review of the preliminary plan.
2. A Final Plan may be prepared for only a portion of the approved Preliminary Plan where a subdivider or developer wishes to undertake the development of a project in sections or stages. 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 Township Board of Supervisors in its discretion.
3. Additionally, Final Plans shall be submitted to adjacent municipalities and governmental agencies or authorities that may be affected by the Plan.
4. At a regular or special Planning Commission meeting following receipt of reports from agencies listed above, but in no case after sixty (60) days from the time of Final Plan submission, the Township Planning Commission shall:
  - A. Review the applicant's submission.
  - B. Review all reports received.
  - C. Discuss submission with the applicant, or applicant's agent.
  - D. Evaluate the plan, reports and discussion.

- E. Determine whether the Final Plan meets the objectives and requirements of This Ordinance and other ordinances of the Township.
  - F. Either recommend approval, disapproval or conditional approval of the Final Plan.
  - G. Submit its report to the Board of Township Supervisors. When the Planning Commission recommends disapproval or conditional approval 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 to the provisions of the ordinance relied upon.
  - H. The Township Planning Commission shall transmit the plans and report its decision, comments and/or recommendations in writing to the Board of Township Supervisors.
5. Upon review of a subdivision or land development plan, the Township Engineer shall make comments and recommendations in writing to the Township Planning Commission and the Board of Township Supervisors.
  6. During the course of the Planning Commission's review of the Final Plan and prior to any action by the Board of Township Supervisors within the required ninety (90) day period, the Final Plan may be revised by the applicant according to the procedure for Preliminary Plan revisions and as set forth in Section 5.2.3 herein, and a new ninety (90) day review period will begin as also set forth in Section 5.2.3.

**SECTION 6.3 PLAN APPROVAL**

1. The Board of Township Supervisors shall render its decision and communicate it to the applicant in accordance with the requirements of Section 3.4 of this Ordinance.
2. No final plans shall be approved, either finally or conditionally, unless and until the applicant provides proof satisfactory to the Township that the applicant has received the highway occupancy permit issued by PennDOT. Providing the highway occupancy permit to the Township for photocopying by the Township shall constitute such proof. Any proof other than the production of the actual highway occupancy permit shall be at the discretion of the Township staff. The final plan submitted to the Board of Township Supervisors shall comply and be consistent with the highway occupancy permit, even if different from the preliminary plan.

3. Failure of the applicant to receive a highway occupancy permit within the time required by Section 508 of the Pennsylvania Municipalities Planning Code (MPC) for the Township to act on the applicant's final plan shall constitute a failure by the applicant to meet the requirements of the Subdivision Ordinance, and shall result in a denial of applicant's final plan, unless applicant, in writing, waives the time limit.
4. Each final plan at the time of approval shall have affixed to it a note the text of which shall be provided by the Township referencing the requirement, where appropriate, in Section 508(6) of the MPC, of a highway occupancy permit, and referencing the actual permit number, and requiring that, in the event that any part of the development for which a highway occupancy permit is required is not completed during the term of the highway occupancy permit and any extensions granted to that permit, then a new highway occupancy permit shall be required, and the review process set forth in Sections 5.1.4 and 5.2.5 of the Township's Subdivision and Land Development Ordinance shall again be met.

#### **SECTION 6.4           VOIDANCE OF APPROVAL**

1. Within ninety (90) days following approval by the Board of Supervisors or ninety (90) days after the date of delivery of an approved plan signed by the Board of Supervisors following completion of conditions imposed for such approval, whichever is later, the Final Plan shall be recorded by the applicant with the York County Recorder of Deeds or said approval shall be null and void. The Recorder of Deeds shall not accept any plan for recording unless the plan has been officially approved and signed by the Board of Supervisors.
2. Failure to substantially complete any aspect of the approved subdivision or land development within five (5) years following the approval of a Preliminary Plan by the Township, or the approval of a Final Plan where not preceded by a Preliminary Plan, shall make the approval of the plan null and void unless an extension of time has been requested in writing by the subdivider or developer and a written approval granted by the Board of Supervisors.

## ARTICLE VII

### MOBILEHOME PARK REGULATIONS

#### SECTION 7.1 PROCEDURE

1. No person, firm or corporation shall construct, maintain or operate a Mobilehome Park without first obtaining a building permit and subsequently a certificate of occupancy. The procedures for reviewing mobilehome park plans shall be the same as for subdivision and land development plans in accordance with the provisions of This Ordinance.

A. Special Exception Use Permit

- (1) Mobilehome Parks are permitted in the Township as a use by special exception in (R-2) Medium Density Residential Districts, and in no other district, as described and regulated by the East Manchester Township Zoning Ordinance.
  - (a) Prior to submitting a mobilehome park plan for review and approval as a land development plan, the owner, subdivider or developer shall, except as otherwise permitted herein, obtain a special exception use permit from the Zoning Hearing Board as required by Article VIII of the East Manchester Township Zoning Ordinance.

B. Plan Review

- (1) Plans shall be submitted to and reviewed by the Planning Commission in accordance with the requirements and procedures of This Ordinance regarding Article IV, Preapplication Consultation, Article V, Preliminary Plans, and Article VI, Final Record Plans.

C. Plan Approvals

- (1) The Board of Supervisors shall take action on preliminary plans in accordance with Section 5.3 and on final plans in accordance with Section 6.3 of This Ordinance.
  - (a) In any case where the owner, subdivider or developer of a Mobilehome Park has submitted a Land Development Plan, the Board of Supervisors shall not give consideration to such plan until the owner, subdivider or developer has obtained a special exception use permit from the Zoning Hearing Board.

**SECTION 7.2            MOBILEHOME PARK ADDITIONS**

1.     An addition to or expansion of an existing Mobilehome Park for the purpose of increasing the number of mobile homes, increasing recreation or service areas, or for any other purpose shall be considered to be a land development and subject to all of the requirements and procedures of This Ordinance and all other Township ordinances, codes and regulations.

**SECTION 7.3            IMPROVEMENT AND DESIGN STANDARDS**

1.     All new Mobilehome Parks and any addition to any existing Mobilehome Park shall comply with all requirements set forth in the East Manchester Township Zoning Ordinance and the Uniform Construction Code.

## **ARTICLE VIII**

### **DESIGN STANDARDS**

#### **SECTION 8.1        APPLICATION**

1.     The following principles, standards and requirements will be applied in evaluating plans for proposed subdivisions or land developments.
  - A.     The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.
  - B.     Where literal compliance with the standards herein specified is clearly impractical, the Planning Commission may recommend modification of the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of This Ordinance.

#### **SECTION 8.2        LAND REQUIREMENTS**

1.     Land shall be suited to the purposes for which it is to be subdivided or developed.
2.     Land which is unsuitable for development because of hazards to life, safety, health or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the Subdivision or Land Development Plan. Land having any of the following characteristics shall be deemed unsuitable for development within the meaning of this section:
  - A.     Land subject to flooding or which has a high ground water table.
  - B.     Land which, if developed, will create or aggravate a flooding condition upon other land.
  - C.     Land subject to subsidence.
  - D.     Land subject to underground fires.
  - E.     Land containing significant areas of slopes of 15% or greater.
  - F.     Land which, because of topography or means of access is considered hazardous by the Board of Supervisors.
3.     Proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.

4. Proposed land uses shall conform to the East Manchester Township Zoning Ordinance.
5. Conformance with Comprehensive Plan. The layout or arrangement of the subdivision or land development shall conform to the East Manchester Township Comprehensive Plan and any regulations or maps adopted in furtherance thereof.

### **SECTION 8.3           BLOCKS AND LOTS**

1. The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, to the land use and zoning requirements of East Manchester Township, the topography of the land being subdivided, and the requirements for safe and convenient vehicular and pedestrian circulation.
2. Unless the topography of the land being subdivided or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required, the following minimum standards for the design and size of blocks shall prevail:
  - A. Blocks shall not exceed sixteen hundred (1600) feet in length, nor be less than five hundred (500) feet in length.
  - B. Residential blocks shall generally be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used, or where due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between parallel streets for such two (2) tier design.
  - C. Crosswalks or interior pedestrian walks may be required upon Planning Commission recommendation in blocks exceeding one thousand (1000) feet in length to provide for pedestrian circulation or access to community facilities. Such walks, when provided, shall be paved for a width of not less than four (4) feet, shall be located in easements not less than ten (10) feet in width, and shall, insofar as possible, be located in the center of any such block.

For residential blocks, where said blocks are bounded by two parallel streets, and those streets are separated only by one (1) or two (2) tiers of lots, each tier fronting on one of the said parallel streets, then streets connecting those two parallel; streets shall not be subject to the block length requirements of Section 8.3.1.1. of this Ordinance.

- D. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension

of streets, railroad access right-of-way, and utilities shall be provided as necessary.

3. The following minimum standards for the design and size of lots shall prevail:
  - A. Lot lines intersecting street lines shall be substantially at right angles or radial to street lines.
  - B. Lots shall front on a street which has already been dedicated to the Township, or which the subdivider or developer proposes to dedicate to the Township in connection with approval of the final plan.
  - C. No subdivision will be approved on an unimproved private street if lots front on that street or after subdivision will front on that street unless the street is improved to Township specifications and dedicated as a public street.
  - D. The Board of Supervisors shall assign house numbers to each lot within a subdivision.
  - E. The minimum lot size, lot width, lot depth and front, side, and rear yards of all proposed lots shall meet the requirements set forth in the East Manchester Township Zoning Ordinance.
    - (1) The Zoning Hearing Board may, upon the recommendation of the Planning Commission, modify the lot width, lot depth, and yard requirements in order to accommodate the use of solar heating devices. The Commission's recommendations shall be based on their findings of fact and shall not be made without due consultation with the Township Engineer. Approval of a subdivision or land development based on the aforementioned modifications shall constitute an automatic variance of the Zoning Ordinance requirements without further action required of the subdivider or developer.
    - (2) Percolation and soils analysis tests conducted in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Resources shall be required for each lot, except lots which will be served by a public or community sanitary sewer system. From the results of these tests, the lot size shall be established large enough to provide for the specified minimum area required for the absorption field as prescribed by the requirements of the Department of Environmental Resources. However, in no case shall the lot size be less than required by the East Manchester Township Zoning Ordinance.

- F. Remnants of land, smaller than required for a lot, shall not be permitted within any subdivision. Such remnants shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Board of Supervisors
- G. Double frontage (through) lots shall be discouraged, except where provided as reverse frontage lots. Reverse frontage lots shall be required in the following instances:
  - (1) adjacent to limited access highways
  - (2) where required due to the limitations of a specific site
  - (3) where a reduction of driveway intersections along a street with a high volume of vehicular traffic is desired

All reverse frontage lots shall include an identification of the frontage for use as a road access. All residential reverse frontage lots shall have a rear yard in accordance with the requirements of the East Manchester Township Zoning Ordinance and shall, within each rear yard and immediately adjacent to the street right-of-way, have a planted landscape buffer strip, across which there shall be no vehicular access.

- H. Off-street parking, meeting the standards set forth in the East Manchester Township Zoning Ordinance, shall be provided on each lot.

#### **SECTION 8.4 GRADING**

- 1. No grading or earth moving activity shall take place on any lot or site within any proposed subdivision or land development until a preliminary subdivision or land development plan has been approved by the Board of Supervisors. Grading shall be allowed only in accordance with the following design standards:
  - A. Blocks, lots, and land development sites shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum two percent (2%) slopes away from structures shall be required.
  - B. Lot and site grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, retention pond, detention pond, or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted or lined with material acceptable to the Township Engineer. A stormwater drainage plan shall be required for all subdivisions and land developments.

- C. The subdivider or developer shall construct and install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, retention pond, detention pond, or natural water course.
- D. No final grading shall be permitted with a cut face steeper in slope than two horizontal to one vertical except under one or more of the following conditions:
- (1) The material in which the excavation is made is sufficiently stable to sustain a slope steeper than two horizontal to one vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the Township and approved by the Township Engineer. The statement shall state that the lot or site has been inspected and that the deviation from the slope specified herein before will not result in injury to persons or damage to property.
  - (2) A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the Township and approved by the Township Engineer.
- E. No final grading shall be permitted which creates any exposed surface steeper in slope than two horizontal to one vertical except under one or more of the following conditions:
- (1) The fill is located so that settlement, sliding or erosion will not result in property damage or be a hazard to adjoining property, streets, alleys, or buildings.
  - (2) A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the lot or site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to the Township and approved by the Township Engineer.
  - (3) A concrete or stone masonry wall is constructed according to sound engineering standards to support the face of the fill. Plans for said construction shall be submitted to the Township and approved by the Township Engineer.
- F. The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of street or alleys in order to permit the normal

rounding of the edge without encroaching on the abutting property. Where walls or slopes are steeper than one horizontal to one vertical and five (5) feet or more in height shall be protected by a protective fence no less than three (3) feet in height in case of a residential use or four (4) feet in height in the case of a commercial or industrial use.

- G. Top soil shall be preserved and redistributed as ground cover, consistent with the erosion and sedimentation requirements of the York County Conservation District.

## **SECTION 8.5 STREET SYSTEM**

1. Proposed street patterns shall be integrated with existing and officially planned streets and highways and shall be related to topography to produce usable lots and acceptable street grades. Proposed street systems shall be designed to meet the following standards:
  - A. Access shall be given to all lots and portions of the tract in the subdivision or land development and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision or land development and shall be improved to Township specifications. Reserved strips and land-locked areas shall not be created.
  - B. Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, arterial streets shall be designed for use by through traffic only.
  - C. Where the proposed subdivision or land development contains or is adjacent to an existing or proposed arterial street or a highway designated as a Limited Access Highway by the appropriate highway authorities, provisions shall be made for marginal access streets at a distance acceptable for the appropriate use of the land between the arterial street or Limited Access Highway and the marginal access streets. The Board of Supervisors may also require rear service areas, double frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets, and separation of local and through traffic.
  - D. Half or partial streets will not be permitted in new subdivisions or land developments except where essential to reasonable subdivision or development of a tract in conformance with the other requirements and standards of This Ordinance and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
  - E. Wherever a tract to be subdivided or developed borders an existing half or partial street, the entire street shall be shown on the plan.

- F. Dead-end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
- G. New reserve strips, including those controlling access to streets shall be forbidden.
- H. Where adjoining areas are not subdivided, the arrangement of streets in a proposed Subdivision or Land Development shall make provision for the proper projection of streets into the unsubdivided land. The owner of the unsubdivided land shall be given written notice, by the applicant, of the pending subdivision or land development at least two (2) weeks prior to the Planning Commission meeting at which the plan will first be considered. Such notice shall set forth the effect of the projection of the proposed streets across boundaries on any future development in the unsubdivided land and stating the date and time of the Planning Commission meeting at which the owner may appear and present objections thereto. Proof of said notice shall be presented at such Planning Commission meeting. If objections are presented, the final determination of street location in the proposed subdivision or land development shall be within the discretion of the Board of Supervisors.
- I. Street names shall be coordinated with existing or platted street names, and if a new street is a continuation of or is aligned with an existing or platted street, it shall bear the same name as the existing or platted street.
- J. No street shall be laid out or opened which extends to or crosses any boundary between the Township and any other municipality except with the specific approval of and upon such conditions as the Board of Supervisors may impose. If the street is proposed to serve a commercial area, an industrial area or a residential area of fifty (50) dwelling units or more, located in another municipality, the street shall not be approved unless the area is also served by a street in the other municipality and unless the relevant traffic facilities of the East Manchester Township are adequate to handle the anticipated volume.

**SECTION 8.6 STREET DESIGN**

- 1. Streets shall be designed according to their function and laid out to preserve the integrity of their design in accordance with the following functional classification:
  - A. Arterial

- (1) This classification includes highways which provide intra-county or inter-municipal traffic of substantial volumes where the average trip lengths are usually five miles or greater. These highways should be designed to accommodate operating speeds of 35 to 55 miles per hour.

B. Collector

- (1) This classification is intended to include those roadways which connect local access streets to arterial highways. They may serve as intra-county and intra-township traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping and other services. They may penetrate residential areas. These roadways should be designed to accommodate operating speeds of 35 miles per hour.

C. Local Access

- (1) This classification is intended to include streets that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short. These streets should be designed for operating speeds of 25 miles per hour or under.

D. Alley and Service Drive

- (1) This classification is intended to include minor streets which provide secondary access to the back or side of properties abutting a street. It is also intended to include marginal access drives which are parallel to arterial highways and collector roadways providing service access to property fronting on such highways and roadways. These streets should be designed for operating speeds of 15 miles per hour or under.

2. Design of streets shall be as set forth in the East Manchester Township Construction and Material Specifications Manual, as adopted and amended by the Board of Supervisors from time to time.

- A. Where a subdivision abuts or contains an existing street of inadequate width, sufficient additional width shall be required to meet the above standards.
- B. Additional right-of-way and cartway widths may be required by the Board of Supervisors to promote public safety and convenience when special conditions require it and to provide parking space in areas of intensive use.
- C. Where reasonable and practicable, new streets shall be laid out to continue existing streets at no reduction in width. Greater widths may be required.

D. The following streets in East Manchester Township are classified as arterial or collector streets, in accordance with the East Manchester Township Comprehensive Plan:

(1) Arterials:

- (a) Interstate 83 (SR 0083)
- (b) North George Street Extd. (SR 0181)

(2) Collectors:

- (a) SR 0921 Zion View Road
- (b) SR 0024 Sherman Street Extd.
- (c) SR 1010 Starview Road
- (d) SR 1008 Codorus Furnace Road
- (e) SR 1027 Saginaw Road
- (f) SR 1031 Board Road
- (g) SR 1019 Wago Road

This list of streets may be amended from time to time by action of the East Manchester Township Board of Supervisors.

3. Cul-de-sacs shall not be utilized unless specially approved by the Board of Supervisors after review and recommendation of the Planning Commission.

- A. To receive approval for a cul-de-sac, an applicant must demonstrate that there is no other manner in which to design a street system because of topography or land parcel shape or size. If permitted, a street ending in a cul-de-sac shall not exceed 800 feet in length. Further extension shall not be granted unless first reviewed by the Planning Commission, and then only on a case by case basis.
- B. Cul-de-sac streets shall be provided at the closed end with a turnaround having a minimum radius to the edge of the finished street or curb line of not less than fifty (50) feet.
- C. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround.
- D. Commercial and Industrial cul-de-sacs shall be reviewed for adequacy by the Township Engineer.

4. Street alignments shall be designed according to the following standards:
  - A. Changes in street direction shall be made by horizontal curves with a minimum radius of five hundred (500) feet for major and arterial streets; three hundred (300) feet for collector streets; and two hundred (200) feet for local streets. These radii are to be measured at the center line. Shorter radii may be permitted on recommendation of the Township Engineer.
  - B. On local access streets, the minimum tangent between reverse curves shall be at least one hundred (100) feet; on collector and arterial streets the minimum tangent shall be at least two hundred fifty (250) feet.
  - C. Clear sight distance, measured four (4) feet above grade, along the center lines of local streets shall be maintained at not less than one hundred fifty (150) feet; along collector streets at not less than two hundred fifty (250) feet; and along major and arterial streets at not less than four hundred fifty (450) feet.
5. Street grades shall conform to the following standards:
  - A. There shall be a minimum center line grade of one percent (.05%) on all streets. Grades shall not exceed six percent (6.0%) on all major and arterial streets and ten percent (10.0%) on local and collector streets. Steeper grades may be permitted upon determination by the Planning Commission, after consultation with the Township Engineer, that no gentler slope is possible. Such determination shall be on a case by case basis. However, no grade exceeding the maximum allowable slope shall be permitted if the increased slope will cause the slopes of intersecting streets to also be increased.
  - B. Changes in grade shall be joined by vertical curves; and the maximum rate of change of grade shall be five percent (5.0%) per one hundred (100) feet of road, provided that the clear sight distances specified above are maintained at all points.
  - C. The slope of the crown on all streets shall be more than one-eighth inch (1/8") per foot and less than one-third inch (1/3") per foot as directed by the Township Engineer.
  - D. Streets cuts and fills shall be provided with side slopes no steeper than one vertical to three horizontal. Such slopes shall be suitably planted with perennial grasses or other vegetation to prevent gulleying and erosion.
6. Street intersections shall be designed according to the following standards:

- A. No more than two (2) streets shall cross at the same point. Street intersections shall be at right angles wherever possible, and intersections of less than sixty (60) degrees (measured at the centerlines of the streets) will not be permitted.
  - B. Intersecting streets shall not enter into the same side of collector or arterial streets at intervals of less than eight hundred (800) feet. Local streets entering another street from opposite sides should be directly opposite each other; or if necessary, they may be separated by at least one hundred fifty (150) feet between centerlines measured along the centerline of the cross street. Greater offset may be required by the Planning Commission depending on the importance of the cross street.
  - C. Maximum grade within any intersection shall not exceed five percent (5%) in any direction, and approaches to any intersection shall follow a straight course within one hundred (100) feet of the intersection. Grades within fifty (50) feet of an intersection shall not exceed five percent (5%).
  - D. Curb radii at intersections shall be according to the following schedule of minimum lengths: Fifteen (15) feet for intersections of alleys and all streets; twenty (20) feet for local streets; and thirty (30) feet for arterial and collector streets. Where streets of different categories intersect, requirements for the one with the larger radius shall control. The minimum radius of intersecting rights-of-way lines shall be forty (40) feet.
  - E. In Commercial (C) and Industrial (I) Districts, a one hundred fifty (150) foot clear sight triangle, and in all other Districts a seventy-five (75) foot clear sight triangle shall be provided, in which no building or structure, wall, fence, hedge, tree, shrub or other growth shall be placed except for utility poles, light standards, street signs and fire hydrants.
7. The following standards shall apply to the design and location of alleys and service drives:
- A. No part of any dwelling, garage, or other structure may be located within sixteen (16) feet of the center line of an alley.
  - B. Alleys or secondary service drives serving commercial and industrial establishments are required unless other provisions for service are provided.
8. All cartways shall be improved in accordance with such construction and material specifications as are or shall be adopted by the Board of Supervisors.
- A. All grading must be completed and drainage facilities installed in accordance with the plan presented for approval.

9. Private streets, private access drives or private driveways serving more than one property or dwelling unit shall be prohibited.

## **SECTION 8.7 CURBS AND SIDEWALKS**

### 1. Curbs

- A. Curbs shall be required on all streets and parking compounds located within multi-family and apartment developments, shopping centers and other commercial developments, professional office complexes, and industrial developments. Curbs shall also be required on all new and existing streets in residential subdivisions. Curbs shall be required along all existing streets and roadways abutting any proposed commercial, professional office or industrial lot, or development site regardless of the lot or site area.
  - (1) All curbs shall be improved in accordance with such construction and material specifications as are and shall be adopted by the Board of Supervisors.

### 2. Sidewalks

- A. Sidewalks shall be required along all public streets and roadways in all residential, commercial and professional office subdivisions and land developments, which shall be required, at the owner's expense, within six (6) months after receipt of written notification from the Township. If sidewalks are required on the subdivision or land development plan, they shall be constructed and approved prior to the issuance of an occupancy permit for occupancy of the structure, unless a waiver or extension is granted by the Township.
- B. Sidewalks shall be designed according to the following standards:
  - (1) Sidewalks shall be located within the street right-of-way and shall extend in width from the right-of-way line toward the curb line.
  - (2) Sidewalks shall be at least four (4) feet wide in residential areas.
  - (3) Sidewalks shall be at least five (5) feet wide in commercial, professional office, school, recreation and similar areas.
  - (4) Sidewalks located along arterial and collector streets shall be separated from the curb by a grass strip. Such grass strip shall have a minimum width of two (2) feet zero (0) inches.

### 3. Escrow in Lieu of Construction

- A. In the case of a subdivision consisting of less than three residential lots which abut an existing street or roadway, the subdivider or developer may, in lieu of providing curbs and sidewalks place in escrow with the Township an amount of money to cover future construction of curbs and sidewalks by the Township.
  - (1) The form of escrow deposit shall be determined by the Township Solicitor.
  - (2) The amount of escrow deposit shall be determined by the Township Engineer.
  - (3) The Township may deposit the proceeds from such escrow account with banking institutions and derive interest therefrom. However, the moneys derived from such escrow accounts and any interest accrued therefrom shall be used for no other purpose than to provide curbs and sidewalks along such properties from which the moneys in escrow have been obtained.

**SECTION 8.8      DRIVEWAYS**

- 1. The placement, relocation, re-pavement, or other substantial involvement to any driveway shall require a permit to be issued by the Township, on such forms as are prescribed by the Township, and shall require the payment at the time of application for the permit of a fee in such amounts as shall be set by the Board of Supervisors.
- 2. General Rule
  - A. All driveways shall be located, designed, constructed and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the highway.
- 3. Location
  - A. General Location Restrictions
    - (1) Access driveways will be permitted at locations in which:
      - (a) Sight distance is adequate to safely allow each permitted movement to be made into or out of the access driveway;
      - (b) Free movement of normal highway traffic is not impaired;
      - (c) The driveway will not create a hazard and,

- (d) The driveway will not create an area of undue traffic congestion on the highway.

B. Specific Location Requirements

- (1) Access driveways shall not be located at intersections, interchanges, ramp areas or locations that would interfere with the placement and proper functioning of highway signs, signals, detectors, lighting or other devices that affect traffic control.
- (2) Access to a property which abuts two or more intersecting streets or highways may be restricted to only that roadway which can more safely accommodate its traffic, but preference shall be given to locating driveways on the street having the lower classification.
- (3) The Township may require the permittee to locate an access driveway directly across from a highway, local road or access driveway on the opposite side of the roadway if it is judged that offset driveways will not permit left turns to be made safely or that access across the roadway from one access to the other will create a safety hazard.
- (4) Driveways shall not enter on or exit from arterial or collector streets.

4. Local Roads

- A. An access intended to serve more than one property or to act as a connecting link between two or more roadways is, for the purpose of this chapter, considered a local road and must be dedicated as a public street. As such, its design must be in accordance with the Township's Subdivision and Land Development Ordinance and any Construction and Material Specifications which are or shall be adopted by the Board of Supervisors.

5. Number of Driveways

- A. The number and location of entrances which may be granted will be based on usage, interior and exterior traffic patterns and current design policy of East Manchester Township.
  - (1) Normally, only one driveway will be permitted for a residential property and not more than two driveways will be permitted for a non-residential property unless otherwise authorized by the Board of Supervisors.
  - (2) If the property frontage exceeds 600 feet, the permit may authorize an additional driveway.

- (3) Regardless of frontage, a development may be restricted to a single entrance/exit driveway, served by an internal collector road separated from the traveled way.

6. Approaches to Driveways

A. Driveway approaches shall conform to the following standards:

- (1) The location and angle of an access driveway approach in relation to the highway intersections shall be such that a vehicle entering or leaving the driveway may do so in an orderly and safe manner and with a minimum interference to highway traffic.
- (2) Where the access driveway approach and highway pavement meet, flaring of the approach may be necessary to allow safe, easy turning of vehicular traffic.
- (3) Where the highway is curbed, driveway approaches shall be installed one and one-half inches above the adjacent highway or gutter grade to maintain proper drainage.

7. Driveway Design Requirements

A. General

- (1) The design features described in this section are to be used by the applicant in designing the driveway plans which accompany the application, in conjunction with such construction and material specifications as are or shall be adopted by the Board of Supervisors.

B. Angle of Access Driveway Approach

- (1) Access driveway approaches used to two-way operation shall be positioned at right angles, that is, 90 degrees, to the highway or as near thereto as site conditions permit.
- (2) When two access driveways are constructed on the same property frontage and used for one-way operation, each of these driveways may be placed at an angle less than a right angle, but not less than 45 degrees to the highway.

C. Driveway Size and Setbacks

- (1) Residential Driveways.

- (a) Unless otherwise required for specific types of uses or special circumstances by the East Manchester Township Zoning Ordinance or other Township Ordinances or regulations, the minimum width of any residential driveway shall be ten (10) feet zero (0) inches, except where a driveway services two (2) abutting lots. In such cases, the minimum width of the driveway shall be twenty (20) feet zero (0) inches, except where the Zoning Ordinance may require a greater width for specific types of uses or special circumstances.
- (b) The minimum distance between a residential driveway and a side or rear lot line shall be two (2) feet zero (0) inches, except where a driveway serves two (2) abutting lots.
- (c) In no event shall a driveway serving a single-family residence be wider than twenty-five (25) feet zero (0) inches within the right-of-way of any township, county, or state road or street.

(2) Non-Residential Driveways

- (a) Non-residential driveways shall be designed by the developer, and such design shall be shown on the plan, which design shall be approved by the Township.

D. Driveways Adjacent To Intersections

- (1) Driveways serving properties located adjacent to a street or road intersection shall have a minimum distance between the center line of the driveway and the street right-of-way of the adjacent intersecting street of at least forty (40) feet zero (0) inches.

E. Property Line Clearance

- (1) Except for joint-use driveways, no portion of any access shall be located outside the property boundary line.

F. Multiple Driveways

- (1) Multiple driveways serving the same property must be separated by a minimum distance of 15 feet measured along the right-of-way line and twenty (20) feet measured along the shoulder, ditch line or curb.

G. Curbing

- (1) The permit may require the installation of curbing wherever it is required to control access or drainage, or both. All curb must be permanent concrete curbing, subject to construction or material specifications as are or shall be adopted by the Board of Supervisors.
- (2) Where the property abutting the right-of-way line could be used as a parking area, the permit may require curbing, permanent guardrail or fencing to be constructed along the right-of-way line in order to prohibit vehicle encroachment upon the sidewalk or shoulder area.
- (3) When curb exits adjacent to the proposed driveway, the line and grade of the existing curb shall be matched, unless otherwise authorized by the permit.

H. Sight Distance

- (1) Access driveways shall be located at a Point within the property frontage limits which provides at least the minimum sight distance set forth in such construction and material specifications as are or shall be adopted by the Board of Supervisors.
- (2) If sight distance requirements as specified in this Section cannot be met, the Township may:
  - (a) prohibit left turns by exiting vehicles;
  - (b) restrict turning movements to right turns in and out of a driveway;
  - (c) require installation of a right turn acceleration lane or deceleration lane;
  - (d) require installation of a separate left turn standby lane;
  - (e) alter the horizontal or vertical geometry of the roadway;
  - (f) or deny access to the highway.

I. Grade of Access Driveway

- (1) All driveways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area or change the drainage of adjacent areas.

- (2) Where a drainage ditch or swale exists, the permittee shall install adequate pipe under the driveway. Drainage pipe installed under driveways shall be at least fifteen (15) inches in diameter if compatible with field conditions and as approved by East Manchester Township and the Township Engineer.
- (3) The sideslopes for the driveway embankments within the right-of-way shall be steeper than ten to one.
- (4) Grade requirements in uncurbed shoulders within the right-of-way shall conform to such construction and material specifications as are or shall be adopted by the Board of Supervisors.
- (5) In addition to the requirements set forth herein, all driveways shall be designed and improved in accordance with such construction and material specifications as are or shall be adopted by the Board of Supervisors.

**SECTION 8.9 PUBLIC FACILITIES, OPEN SPACE, PRESERVATION AND BEAUTIFICATION**

1. Where a proposed school, park, playground, easement or other publicly owned or operated facility is shown in the East Manchester Township Comprehensive Plan, or where deemed necessary by the Planning Commission, the Board of Supervisors may require the reservation of such area within the Subdivision or Land Development. The size and location for any reservation of land shall be suitable for the designated purpose as determined by the Planning Commission after consultation with the Township Engineer and/or Planning Consultant.

A. Easements

- (1) Where common utility lines are located in or over undedicated land, a public easement granted in favor of East Manchester Township shall be required. A minimum of six (6) feet zero (0) inches on each side of the utility line shall be required.
- (2) If a natural watercourse or drainageway abuts or runs through the proposed subdivision or land development, the subdivider or developer shall set aside as open space a strip of land on each side of such water course, twenty-five (25) feet in width (measured from the nearest edge or bank) and running the entire length of that portion of the water course which abuts or runs through the subdivision or land development. Such open space shall be in addition to any other open space required by This Ordinance.

B. Recreation Areas and Fees

(1) The subdivider or developer of a subdivision or land development shall pay a fee for use by the Board of Supervisors for Township recreational purposes or, at the option of the Board of Supervisors, provide a suitable and adequate recreation area, to serve the needs of the future occupants of the subdivision or land development. For purposes of this Section the term "recreation area" shall mean a contiguous tract of land reserved exclusively for active or passive recreation.

(a) The fee authorized by this subsection B. shall be twelve hundred dollars (\$1,200) for each proposed dwelling unit or residential lot (whichever is greater), which is two percent (2%) of the present average selling price for a residential lot in the Township as determined by the Board of Supervisors. For any proposed non-residential use, the fee shall be fixed at twelve hundred dollars (\$1,200) per acre of the proposed subdivision or land development; except that no fees shall be applied to the residual tract in a subdivision, or to any tracts in a subdivision or land development which are dedicated or intended by the plan to be used primarily for agricultural purposes as defined in this Ordinance.

(b) In the event that the Board of Supervisors deem it appropriate or desirable, they can, in lieu of the fees set forth above, require the subdivider or developer to provide a suitable and adequate recreation area within the proposed subdivision or land development. If the Board of Supervisors choose that option, then the developers shall have the right to designate those lands which shall be set aside, subject to the following conditions:

1) The land set aside shall be suitable to serve the purpose of active or passive recreation by reason of its size, shape, location and topography, and shall be subject to the approval of the Planning Commission and the Board of Supervisors.

2) Single Family - In the case of a single-family subdivision, a minimum of five hundred (500) square feet per dwelling unit shall be set aside, excepting in the case of a lot containing an existing dwelling.

a) Multi-Family - In multi-family developments, a minimum contiguous area of twenty percent (20%) of the total area excluding streets on the land being developed.

- 3) In the case of single-family subdivisions of less than three (3) lots, the Board of Supervisors shall only require payment of the fee, and shall not require the setting aside of land pursuant to this Subsection.
  - 4) In the case of a non-residential subdivision, a contiguous area of up to seven and one-half percent (7.5%) of the total area excluding streets on the land being developed.
- (c) The Applicant shall satisfy the Board of Supervisors that there are adequate provisions to assure retention and all future maintenance of such recreation areas.
- (d) In the event the applicant does not wish to retain the required recreational area, such area may be dedicated to the Township for public use. However, the selection and designation of the area to be designated shall be controlled by all the terms and conditions set forth in this Section.
- (e) The Board of Supervisors may find dedication to be impractical. In that event, then the developers shall either be required to maintain the recreational areas, or to pay the fee set forth in this Section, at the option of the Board of Supervisors. Any one or more of the following reasons may cause the Board of Supervisors to find dedication to be impractical:
- 1) Because of the size, shape, access, topography, drainage or other physical features of the land, such dedication would adversely affect the subdivision or land development and its future residents or occupants.
  - 2) There is no open space within the proposed subdivision which is practical for dedication because of its size, access, topography or other physical characteristics.
  - 3) Other Related Reasons.

- (f) All fees and fines collected hereunder shall be administered by the Township pursuant to Article XXII of the Second Class Township Code and related provisions, and shall be used by the Board of Supervisors for the acquisition and equipping of lands and buildings, the erection of buildings and equipment on lands, and the operation and maintenance of lands, buildings and equipment for recreational purposes, or for contribution to the operation or maintenance of recreational facilities within the township which are maintained by organizations other than the Township, upon approval by the Board of Supervisors. The fees obtained hereunder may be kept in a separate capital reserve fund as provided by law for the purpose of recreation, and may be combined for other investment purposes, but shall be used only for recreation-related purposes as set forth herein.

C. Topsoil Preservation

- (1) No topsoil shall be removed from the site or used as spoil without proper approval from the Board of Supervisors. Topsoil must be removed from the areas of construction and stored separately. Upon completion of the construction, the topsoil must be redistributed on the site uniformly. All areas of the site shall be stabilized by seeding or planting on slopes of less than ten percent (10%) and shall be stabilized by sodding on slopes ten percent (10%) or more and planted in ground cover on slopes twenty percent (20%) or greater.

D. Tree Preservation

- (1) All trees eight (8) inches or more in caliper at a height of four and one-half (4 ½) feet above ground shall not be removed without proper approval from the Board of Supervisors unless within the proposed right-of-way line of a street, within proposed building lines, within utility locations, or mandatory for access of equipment.

E. Shade Trees

- (1) All subdivisions and land developments shall be provided with shade trees, at the expense of the subdivider or developer, on each lot or site in accordance with the following requirements:
  - (a) There shall be planted at least one (1) tree in the front of each lot in the required front yard at least eight (8) feet from the sidewalk, but no closer than twenty (20) feet from either side lot line. On corner lots, no tree shall be planted within the street clear sight triangle.

- (b) The sizes and species of said shade trees shall be determined by the Planning Commission from the stock of shade trees available during the time of the year when the trees are to be planted but shall be not less than one and one-half (1 ½) inches in caliper at a height of four and one-half (4 ½) feet above ground.
- (c) No tree, required or otherwise, shall be planted in such a position that it will interfere with any air space required for solar heating devices on any adjacent lot either at the time of planting or when said tree is fully matured.

F. Landscaping

- (1) For all multi-family, professional office, commercial, and industrial subdivisions or land developments, the design shall include sufficient plantings of a type recommended and approved by the Planning Commission, including open space, planting strips, screening, gardens, shade trees, natural barriers, or other types of acceptable growth.

G. Buffer Planting Requirements

- (1) Buffer yard requirements should be as specified in the East Manchester Township Zoning Ordinance.

**SECTION 8.10 DESIGN STANDARDS FOR IMPROVEMENTS IN DESIGNATED FLOODPLAIN DISTRICTS**

- 1. All subdivisions in the Township, or any person engaged in the subdivision. Alteration or development of any land, as defined herein, located in any designated floodplain area shall be subject to the provisions of the East Manchester Township Floodplain Management Ordinance, as amended from time to time.

**SECTION 8.11 EROSION AND SEDIMENTATION CONTROL**

- 1. The Board of Supervisors find that the minimization of erosion and control of sedimentation in connection with land development and subdivision are in the public interest, affecting public health, safety and welfare, and therefore regulations governing erosion control and sedimentation control are necessary for the Township.

A. General Provisions

- (1) No subdivision having three (3) or more lots or land development plan shall be approved unless there has been an Erosion and Sedimentation Control Plan approved by the Board of Supervisors that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the Township in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or there has been a determination by the Board of Supervisors that a plan for minimizing erosion and sedimentation is not necessary.
- (2) No changes shall be made in the contour of the land, no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been approved by the Board of Supervisors after review by the Township Engineer or there has been a determination by the Township Engineer that such plans are not necessary.
- (3) All subdivision and land developments which involve grading or excavation shall conform to the requirements of Chapter 102 of the Rules and Regulations of the Pennsylvania Department of Environmental Resources as amended. It shall be the responsibility of the subdivider or land developer to obtain approval from the Department of Environmental Resources. Approval of plans by the Board of Supervisors shall not be construed as approval under such regulations.
- (4) The erosion and sedimentation control plan shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.

A. Design Requirements

- (1) The design standards and specifications for said Plan are contained in the Erosion and Sedimentation Control Handbook which has been prepared by the York County Conservation District and is on file in that office and with the Township. Said Plan shall include, but shall not be limited to, the following information:
  - (a) The erosion and sedimentation control plan shall be designed to prevent accelerated erosion and sedimentation by incorporating the following control measures and control facilities:
    - 1) The topographic features of the project area.

- 2) The types, depth, slope and areal extent of the soils indicated on the plat, plan or similar appropriate official map.
- 3) The proposed alteration to the area:
  - a) Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
  - b) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
  - c) Disturbed soils shall be stabilized as quickly as practicable.
  - d) Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- 4) The amount of runoff from the project area and the upstream watershed area:
  - a) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary the rate of surface water runoff will be structurally retarded to prevent sedimentation from being discharged into the waters of the Commonwealth.
  - b) All surface water shall be diverted away from the project area where feasible.
- 5) The staging of earthmoving activities; the disturbed area and the duration of exposure shall be kept to a practical minimum.
- 6) Temporary control measures and facilities for use during earthmoving:

- a) Temporary vegetation and/or mulching shall be used to prevent exposed critical areas during development.
  - b) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
- 7) Permanent control measures and facilities for long term protection:
- a) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- 8) A maintenance program shall be developed for the control facilities including disposal of materials removed from the control facilities or project area.

C. Grading for Erosion and Other Environmental Controls

- (1) In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:
- (a) The location, grading and placement of sub-grade (base) material of all roads, streets and parking areas shall be accomplished as the first work done on a subdivision or development. The wearing surface may be placed at the discretion of the subdivider or developer as approved in the final plan.
  - (b) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas.
  - (c) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
  - (d) Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.
  - (e) During grading operations, necessary measures for dust control will be exercised.

- (f) Grading equipment will not be allowed to cross streams. Provisions will be made for the installation of temporary or permanent culverts or bridges.

D. Responsibility

- (1) Whenever sedimentation is caused by stripping vegetation, grading or other development, it shall be the collective responsibility of the land developer and subdivider, and of the contractor, person, corporation and other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- (2) Maintenance of all erosion and sedimentation control facilities during the construction and development period is the responsibility of the land developer or subdivider.
- (3) It is the responsibility of any developer or subdivider, and any person, corporation, or other entity doing any act on or across a communal stream, watercourse or swale or upon the floodplain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right-of-way during the activity and to return it to its original or equal condition after such activity is completed.
- (4) The subdivider or land developer shall provide and install, at his expense, in accordance with Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sediment Control Plan.

**SECTION 8.12      STORMWATER DRAINAGE CONTROL**

- 1. All subdivisions in the Township, or any person engaged in the subdivision, alteration or development of any land, as defined herein, shall be subject to the provisions of the East Manchester Township Stormwater Management Ordinance, as amended from time to time.

## ARTICLE IX

### IMPROVEMENT STANDARDS

#### SECTION 9.1 GENERAL REQUIREMENTS

1. No final plan shall be approved by the Board of Supervisors or recorded by the York County Recorder of Deeds until final detailed design of the improvements is approved and the improvements are installed or a suitable guarantee provided by the subdivider or developer as permitted by Article X of This Ordinance.

#### SECTION 9.2 STREETS

##### 1. General Requirements

- A. Adequate surface and subsurface drainage shall be provided.
- B. All top soil shall be removed from the area to be paved.
- C. The road base shall be put down immediately after grading, within thirty (30) working days and consistent with the approved Erosion and Sediment Control Plan for the tract. An extension of time may be granted by the Board of Supervisors at the request of the subdivider or developer.
- D. Where the slope of the road is five percent (5%) or more and curbs are required, the pavement shall extend from curb to curb and shall not be less than twenty-six (26) feet wide.
- E. Before paving the street surface, the subdivider or developer shall install all required utilities, and, where required, stormwater drainage facilities.

##### 2. Pavement Design

- A. All components of the pavement structure shall be constructed in accordance with Pennsylvania Department of Transportation Publication 408 Construction Specifications, as amended from time to time, or the East Manchester Township Construction and Material Specifications, as amended from time to time, whichever is more stringent.

##### 3. Base Course

- A. The base course for streets shall be constructed in accordance with Pennsylvania Department of Transportation Publication 408 Construction Specifications, as amended from time to time, or the East Manchester Township Construction and Material Specifications, as amended from time to time, whichever is more stringent.

4. Adoption Of Streets

- A. No street shall be adopted as a public street by the Township unless and until all improvements and repairs have been made to the satisfaction of the Township Engineer and the Board of Supervisors in accordance with the standards set forth in this Ordinance, in the East Manchester Township Construction and Materials Specifications For Subdivision and Land Development Manual, and the approved subdivision or land development plan, and construction has been completed on at least ninety percent (90%) of the lots fronting and accessing on the portion of the street to be adopted.
- B. Before the Township will adopt any street as a public street, the subdivider or developer must provide the following:
  - (1) A written request to the Township identifying the streets or portions of streets, including the beginning and ending points, which the subdivider or developer desires the Township to adopt.
  - (2) A complete centerline description for each street to be adopted. Each street description shall be on a separate page, and shall be on plain white paper, without logo of any kind.
  - (3) A separate drawing for each street or portion of the street to be adopted, which drawing can include a corporate or engineering logo and other information. Each such drawing shall be on 8½” x 11” white paper, unless such paper size will result in details on the drawing being unreadable, in which case the drawing can be on 8½” x 14” white paper.
- C. Nothing in this subsection 4., or anywhere in this Ordinance, shall require the Township to adopt any street as a public street unless and until it deems such adoption appropriate, regardless of whether or not such street has been dedicated or offered for dedication to the Township by the subdivider or developer, either on the plan or otherwise.

### **SECTION 9.3 CURBS AND GUTTERS**

1. All curbs shall be constructed in accordance with Pennsylvania Department of Transportation Publication 408 Construction Specifications, as amended from time to time, or the East Manchester Township Construction and Material Specifications, as amended from time to time, whichever is more stringent.
2. Paved gutters shall be provided in areas where curbs are not required.

### **SECTION 9.4 SIDEWALKS**

1. All sidewalks shall be constructed in accordance with Pennsylvania Department of Transportation Publication 408 Construction Specifications, as amended from time to time, or the East Manchester Township Construction and Material Specifications, as amended from time to time, whichever is more stringent.

### **SECTION 9.5 DRIVEWAYS**

1. All driveways shall be constructed in accordance with Pennsylvania Department of Transportation Publication 408 Construction Specifications, as amended from time to time, or the East Manchester Township Construction and Material Specifications, as amended from time to time, whichever is more stringent.

### **SECTION 9.6 SEWER SYSTEMS**

1. If a public sanitary sewer system is available within one thousand (1,000) feet of the proposed subdivision, mobilehome park, or land development, the subdivider or developer shall design and install a system which shall be connected to the public system and which shall serve every property. All plans and installations shall be inspected and approved by the authority or company providing the service and/or the Township Engineer.

As used in the Section 9.6 of this Ordinance, the terms “public sanitary sewer system” and “public system” shall mean, and be limited in their meanings, to a sanitary sewer system owned or operated by or on behalf of the Township, a duly authorized and constituted Township authority, or a duly authorized and constituted joint municipal authority.

2. If connection to a public sanitary sewer system is not possible the feasibility of constructing a separate private system and treatment works shall be investigated and a report submitted setting forth the findings.

3. Where neither of the above alternatives are possible or feasible, the subdivider or developer shall provide for each lot, at the time improvements are erected or installed thereon, an individual sewage disposal system consisting of septic tank and tile absorption field or other approved sewage disposal system. All such individual sewage disposal systems shall be constructed in accordance with the Pennsylvania Department of Environmental Resources regulations.
4. Where a public sanitary sewer system is not accessible but is planned for extension to the subdivision or land development or to within one thousand (1,000) feet of the subdivision or land development the subdivider or developer shall install sewer lines, including lateral connections, to provide adequate service to each lot when connection with the public system is made. The sewer lines shall be capped at the limits of the subdivision, mobilehome park or land development and the laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided. A sewer shall be considered to be planned for extension to a given area any time after engineering and related studies have been initiated preparatory to the construction of facilities within one thousand (1,000) feet of the subdivision or land development.

#### **SECTION 9.7 WATER SYSTEMS**

1. If a public water supply system is available within one thousand (1,000) feet of the proposed subdivision or land development, the subdivider or developer shall design and install a system which shall be connected to the public system and which shall serve every property. All plans and installations shall be inspected and approved by the authority or company providing the service and/or the Township Engineer.

As used in Section 9.7 herein, the term "public water supply system" shall mean, and shall be limited in its meaning to, the York Water Company, its successors or assigns.

2. If connection to a public water supply system as defined herein is not possible or feasible, in the sole judgment of the Board of Supervisors of the Township, the feasibility of constructing a separate water supply system shall be investigated and a report submitted setting forth the findings.
3. Where neither of the above alternatives are possible or feasible, the subdivider or developer shall provide for each lot, at the time improvements are erected or installed thereon an individual water supply system. All such individual systems shall meet all applicable Pennsylvania Department of Environmental Resources regulations.

#### **SECTION 9.8 FIRE HYDRANTS**

1. Fire hydrants shall be provided as an integral part of any public or community water supply system.

- A. Fire hydrants when provided shall be located in compliance with the East Manchester Township Fire Prevention and Safety Ordinance, as amended.

**SECTION 9.9 MONUMENTS AND MARKERS DELINEATING LOTS AND BOUNDARIES**

- 1. Generally all work shall conform to Standards set forth by the American Congress of Surveying and Mapping and the following minimum standards.

- A. Monuments

- (1) Monuments shall be required in every subdivision or land development at the following locations:

- (a) At the intersections of all lot lines and street right-of-way lines. In the event that, pursuant to §6.1.2.11, the final plan shows the lot lines of the property bounding on a street to continue to the center line of the street, then the monuments located at these locations shall indicate the corner of the lot line and the street right-of-way, but the property lot line shall continue the additional distance necessary to take it to the center line of the abutting street. No other monuments, markers, or marks of any kind except the monument required by this subsection shall be permitted to be placed within the street right-of-way, either on the street, on any curves, or on any sidewalks. The lot lines to the center line of the street shall be shown on the plan and indicated by a note on the subdivision plan as set forth in Section 6.1.2.11 of this Ordinance.

- (b) At the intersection of lines forming angles in the boundaries of all lots which abut or differentiate between the lot and adjoining lots within a subdivision or land development. Monuments shall not be required to delineate the corners or dimensions of any portions of a tract, subdivision, or land development, which do not create separate and distinct lots, such as, but not limited to, lots in a mobile home park when all lots remain under single ownership, and are not individually owned, and common areas of condominiums or townhouses;

- (c) At the intersection of lines forming angles in the boundaries of the tract, subdivision, mobile home park, or land development;

- (d) At such other points as may be required by the Township or the Township Engineer.

- B. Markers

- (1) Markers shall be placed at locations along the lot line indicating curves or secondary angles of property lines within lots.

C. Monument and Marker Specifications

(1) Monuments

- (a) All monuments required by this section shall be a minimum of thirty (30) inches long, and six (6) inches square or round at the base, and, if tapered, a minimum of four (4) inches square or round at the top. All monuments shall be buried in the ground to such a depth as they shall be at least one (1) inch, but not more than two (2) inches, above the ground surface after final grade of the lot.

- 1) Every monument shall have inset in the monument a metal cap in the center marking the precise location of the property corner.

(2) Markers

- (a) All markers required by this section shall be a minimum of thirty (30) inches long, and five-eighths (5/8) inches or three-fourths (3/4) inches in diameter. All markers shall be buried in the ground to such a depth as they shall be at least one (1) inch, but not more than two (2) inches, above the ground surface after final grade of the lot.

(3) Resetting of Monuments and Markers

- (a) It shall be the responsibility of the developer and builder to reset any monument or marker if, after final grade, the monument or marker is not the proper elevation above final grade.

D. Violations

- (1) It shall be a violation of this Section for any person to remove a monument or marker once it has been set, except for the purpose of replacing it. If such monument or marker is removed without being replaced, the lot or property owner shall be liable for that violation, and shall be responsible for replacing said monument or marker.

E. Prerequisite To Building Permit and Certification

- (1) Each monument or marker required by this section shall be placed before the issuance by the Township of a building permit for that tract or lot, as certified by the applicant for a building permit. In the event that the applicant certifies that all monuments and markers are in place, and, at the time of inspection of setbacks by the Township, the Township determines that, contrary to the certification, all monuments and markers are not in place, then the Township shall have the absolute right at that time to rescind the building permit until such time as all monuments or markers are in place and accurate. The Township shall rely on the certification of the applicant for the building permit as to the accuracy of the location of all monuments and markers, and the developer, subdivider, applicant for the building permit and the property lot owner shall be liable for any and all damages to any persons resulting from inaccurate placement of said monuments or markers. Neither the applicant, developer, nor owner of the tract or lot shall acquire any vested rights in the building permit as a result of misrepresentation or false or faulty certification on the building permit.

#### **SECTION 9.10 STORM DRAINAGE FACILITIES**

1. Drainage facilities shall be constructed according to the standards set forth in the Pennsylvania Department of Transportation Publication 408 construction Specifications, as amended from time to time, or the East Manchester Township Constuction and Material Specifications, as amended from time to time, whichever is more stringent. The type of drainage facilities shall be approved by the Township Engineer.
2. Storm drainage facilities shall be separate from all sanitary sewage facilities.
3. Where existing storm sewers are reasonably accessible, and of sufficient capacity, the subdivider or developer shall connect stormwater facilities to these existing facilities.

#### **SECTION 9.11 EROSION AND SEDIMENTATION CONTROL**

1. The measures used to control erosion and reduce sedimentation shall as a minimum meet the erosion and sediment control standards and specifications as set forth in the York County Erosion and Sediment Control Handbook as adopted by the East Manchester Township Supervisors by This Ordinance as the Township standards and specifications. The Township Engineer, or other official as designated, shall ensure compliance with the appropriate specifications and provisions, copies of which are available at the municipal building of East Manchester Township or in the York County Conservation District Office. Particular care should be taken during earthmoving activities to minimize the tracking of mud onto public streets.

## **SECTION 9.12 UNDERGROUND UTILITY LINES**

1. Electric, telephone and all other utility facilities shall be installed underground in utility trenches that meet the requirements of the East Manchester Township Construction and Material Specifications, as amended from time to time. The developer shall be required to obtain a letter from the appropriate utility company confirming that the developer has entered into an agreement to provide for an underground electric and telephone system in accordance with the Pennsylvania Public Utility Commission Investigation Docket #99, as amended, or has obtained a waiver from said Pennsylvania Public Utility Commission to allow overhead electric and telephone facilities.

## **SECTION 9.13 PETROLEUM LINES**

1. When any petroleum or petroleum products transmission line traverses a land development, the developer shall confer with the applicable transmission or distributing company to determine the minimum distance which shall be required between each dwelling unit and the centerline of such petroleum or petroleum products transmission line.

## **SECTION 9.14 NATURAL GAS LINES**

1. The minimum distance from a natural gas line to a dwelling unit shall be as required by the applicable transmission or distributing company, or as shall be required by the applicable regulations issued by the Department of Transportation under the Natural Gas Pipe Line Safety Act of 1968, as amended, whichever is greater.

## ARTICLE X

### IMPROVEMENT AND CONSTRUCTION ASSURANCES

#### SECTION 10.1 COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAN APPROVAL

1. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by This Ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as required by This Ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required pursuant to §208-671, the developer shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the “State Highway Law.”
2. When requested by the developer, in order to facilitate financing, the Board of Township Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Board of Township Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
3. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
  - A. The following forms of guarantee shall be acceptable to the Board of Supervisors, which shall not unreasonably withhold its approval of a guarantee:
    - (1) Surety Performance Bond

- (a) A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to East Manchester Township.

(2) Escrow Account

- (a) A deposit of cash either with the Township or in an escrow or restrictive account with a Federal or Commonwealth chartered lending institution.
- (b) In the case of an escrow or restrictive account, the developer shall file with the Board of Supervisors an agreement between the lending institution and himself guaranteeing the following:
  - 1) That the funds of said account shall be held in trust until released by the Board of Supervisors and may not be used or pledged by the developer as security in any other matter during that period.
  - 2) In the case of a failure on the part of the developer to complete said improvements, the institution shall immediately make the funds in said account available to the Township for use in the completion of those improvements.

(3) Letter of Credit

- (a) An irrevocable letter of credit provided by the developer from a Federal or Commonwealth chartered lending institution. This letter shall be deposited with East Manchester Township and shall certify the following:
  - 1) That the creditor does guarantee funds in an amount equal to 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, the creditor shall pay to East Manchester Township 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 Board of Supervisors.

4. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
5. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
6. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten (110) percent. Any additional security shall be posted by the developer in accordance with this subsection.
7. The amount of financial security shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a Professional Engineer licensed as such by the Commonwealth of Pennsylvania. The engineer shall certify the amount of security to be a fair and reasonable estimate of such cost. The Board of Township Supervisors, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another Professional Engineer licensed as such in the Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.
8. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above bidding procedure.

9. In the case where development is projected over a period of years, the Board of Township Supervisors may authorize submission of final plan by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
10. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Township Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Township Supervisors, and the Board of Township Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Township Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon receipt of such certification the Board of Township Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Township Supervisors fails to act within said forty-five (45) day period, the Board of Township Supervisors shall be deemed to have approved the release of funds as requested. The Board of Township Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.
11. Where the Board of Township Supervisors accepts dedication of all or some of the requirements following completion, the Board of Township Supervisors shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.
12. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
13. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as

depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

14. Any and all successor developer(s) shall comply with all requirements of this Article 10, and shall submit a new estimate for the cost of completion and post financial security in the name of the successor developer.

## **SECTION 10.2 INSPECTION DURING CONSTRUCTION**

1. The Board of Township Supervisors shall authorize and direct the Township Engineer to cooperate with the applicant in arranging for the Engineer's periodic presence at the site of the work and construction of the required facilities and improvements during such phases thereof as in the judgment of the Engineer will enable him to determine whether or not such construction is in general conformity with the Final Plan and all Township requirements.
  - A. Notice shall be given to the Township at least forty-eight (48) hours in advance of commencement of any construction operation to provide for required inspection.
  - B. No underground pipes, structures, subgrades, binders or base courses shall be covered until inspected and approved by the duly authorized official of the Township. Failure in compliance with this regulation shall provide cause for uncovering of such work, at the applicant's expense, to permit the required inspection.
  - C. In those cases where the Township Engineer deems necessary, the developer, through his contractor, shall retain the services of a certified Soils Engineer to perform moisture and density testing in order to determine compaction or the extent thereof as related to the requirements of such Township construction and materials specifications as have been or may be adopted by the Board of Township Supervisors.
  - D. The wearing course on all streets proposed to be dedicated to the Township shall not be placed until at least seventy-five (75) percent of the lots within the development have been built upon, or upon the expressed desire of the Board of Township Supervisors.

- E. Whenever any work or materials are found to be not in compliance with the Final Plan and/or applicable Township requirements, the Township Engineer or any other duly authorized Township representative, may stop work on the job until such non-compliance or variance is eliminated and any work or materials installed which are not in compliance are made to comply. It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to person or property. Such stop order may be revoked by the Board of Township Supervisors.
- F. Whether or not such construction or work shall have been accomplished in accordance with Township requirements shall be determined by the Township Engineer upon the basis of his on-site inspections during such phases thereof as in his judgment will enable him to make such determination. The Engineer shall submit a written report to the Board of Township Supervisors in regard thereto.

### **SECTION 10.3 AS-BUILT PLAN**

- 1. After Final Plan approval and upon the completion of all required improvements, the applicant shall submit an As-Built Plan prepared by a Professional Engineer or Professional Land Surveyor. Said Plan shall indicate that the constructed improvements are in conformance with the previously approved drawings and specifications. Said plan shall also note any and all deviations from the previously approved drawings and specifications. One (1) reproducible and two (2) copies of the As-Built Plan shall be filed with the Township.
- 2. The As-Built Plan shall be drawn to the same scale as the Final Plan, certified to by the designer of the plan, and approved by the Township Engineer. Said Plan shall indicate the actual location, dimensions and/or elevations of all completed improvements, including but not limited to:
  - A. Concrete monuments.
  - B. The edge of the cartway and top of the curb for both sides of each street.
  - C. Sanitary sewer mains, manholes and laterals.
  - D. Storm sewers, inlets and culverts.
  - E. Water mains and fire hydrants.
  - F. Street lights.
  - G. Landscaping and screen planting.
  - H. Permanent sedimentation, erosion control and stormwater management structures.

- I. All easements.

**SECTION 10.4 RELEASE FROM IMPROVEMENT BOND**

- 1. When the developer has completed all of the required and necessary improvements and submitted the required As-Built Plan, the developer shall notify the Board of Township Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer.
  - A. The Board of Township Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the required improvements.
  - B. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Township Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the authorization for inspection by the Board of Township Supervisors.
  - C. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reason for non-approval or rejection.
  - D. The Board of Township Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified mail or registered mail, of the action of the Board with relation thereto.
  - E. If the Board of Township Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released of all liability, pursuant to its performance guaranty bond or other security agreement.
  - F. If any portion of the said improvement shall not be approved or shall be rejected by the Board of Township Supervisors, the developer shall proceed to complete the same, and upon completion, the same procedure of notification as listed above shall be followed.
  - G. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Township Supervisors or the Township Engineer.

- H. For purposes of this Section, improvements shall not be considered to be completed until all improvements have been made, and, in the case of streets dedicated as public streets, until the street is adopted by the Township, unless the Board of Supervisors by written agreement with the subdivider or developer waives this requirement, in which case the written agreement shall specify the terms of the waiver, subject to Section 9.2 of this Ordinance.

**SECTION 10.5 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS**

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

**SECTION 10.6 FEES FOR INSPECTION OF IMPROVEMENTS**

- 1. The Board of Township Supervisors shall prescribe that the applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. The applicant shall not be required to reimburse the Township for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant. Such reimbursement shall be based upon a schedule adopted by Resolution of the Board of Township Supervisors upon enactment of This Ordinance, or as such schedule may be amended. A copy of said fee schedule shall be available for review at the Township Office. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultants for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

## **SECTION 10.7      DISPUTES OVER FEES**

1. The Board of Township Supervisors shall submit to the applicant an itemized bill showing work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each taxk. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than 30 days after the date of transmittal of a bill for inspection services, pay the undisputed amount and notify the Township and the Township's professional consultant that such expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charge, in which case the Township shall not delay or disapprove a request for a release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within 30 days shall be a waiver of the applicant's right to arbitration of that bill under this section.

(1.1.) Subsequent to the final release of financial security for completion of improvements for a subdivision or land development, or any phase thereof, the professional consultant shall submit to the Board of Township Supervisors a bill for inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.

2. If the professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution as set forth below:
  - A. The applicant shall have the right, within 45 days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and professional consultant whose fees are being challenged shall, by mutual agreement, appoint another professional consultant to review any bills that applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.
  - B. The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than fifty (50) days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the Township has paid the professional consultant an amount in the excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.

- C. In the event that the Township's professional consultant and the applicant cannot agree upon the arbitrator to be appointed within twenty (20) days of the request for appointment of an arbitrator, then upon application of either party, the President Judge of the Court of Common Pleas of York County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the Township's professional consultant nor any professional consultant who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
- D. The fee of the arbitrator shall be paid by the applicant if the review fee charged is sustained by the arbitrator; otherwise, it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than \$5,000, the arbitrator shall have the discretion to assess the arbitration fee in whole or on part against either the applicant or the professional consultant. The board of Township Supervisors and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.

**SECTION 10.8 MAINTENANCE GUARANTEE**

- 1. The Board of Supervisors may, at its discretion, require the applicant to submit a maintenance guarantee or other approved performance guarantee in order to guarantee the structural integrity and proper functioning of improvements.
  - A. If improvements are to be subject to a maintenance guarantee in accordance with this Section, the applicant shall be advised of the requirement at the Preliminary Plan stage.
  - B. Financial security shall not exceed fifteen (15) percent of the installation costs and shall be in one of the forms permitted by Section 10.1 of This Ordinance.
  - C. The term of a maintenance guarantee shall not exceed eighteen (18) months from the date of acceptance of dedication.

## ARTICLE XI

### ENFORCEMENT, PENALTIES, SEVERABILITY, AMENDMENTS, AND ENACTMENT

#### SECTION 11.1      ADMINISTRATION AND ENFORCEMENT

1. The Board of Township Supervisors shall have the duty and authority for the administration and general enforcement of the provisions of This Ordinance, as specified or implied herein.
2. Officials of the Township having regulatory duties and authorities connected with or appurtenant to the subdivision, use or development of land shall have the duties and authorities for the controlling enforcement of the provisions of This Ordinance, as specified or implied herein or in other ordinances of the Township.
3. Permits required by the Township, for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of, the land, shall not be issued by any Township official responsible for such issuance until he has ascertained that the site for such building, alteration, improvement or use is located in a subdivision approved and publicly recorded in accordance with the provisions of This Ordinance regulating the subdivision and development of land.
4. Also, such permits shall be issued only after it has been determined that the site for such building alteration, improvement or use conforms to the site description indicated by the approved and recorded Final Plan or other land description acceptable in accordance with the provisions of This Ordinance, and that it is in compliance with all applicable provisions of This Ordinance.
5. If the building permit is issued erroneously or prior to proper approval, it is void.
6. The Sewage Enforcement Officer shall require that applications for Sewage Disposal System Permits contain all the information for him to ascertain that the site for the proposed system is acceptable in accordance with the provisions of This Ordinance, and the Rules and Regulations of Pennsylvania DEP and any requirement of the Township pertaining to the issuance of such permit.
7. Preventive Remedies
  - A. In addition to other remedies, the Township may institute and maintain appropriate actions by law or equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of

selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

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

## **SECTION 11.2 AMENDMENTS**

1. Before voting on the enactment of an amendment, the Board of Township Supervisors shall hold a public hearing thereon, pursuant to public notice. Notice shall be given as follows:
  - A. Publication of the notice in a newspaper of general circulation in the Township. Said notice shall be published one (1) time each week for two (2) successive weeks. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days before the date of the hearing.
2. In addition, in the case of an amendment other than that prepared by the Township Planning Commission, the Board of Township Supervisors shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.

3. In addition, 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 recommendations.

### **SECTION 11.3 PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF ORDINANCE**

1. Proposed subdivision and land development ordinance amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for charge not greater than the cost thereof. The Board of Township Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  - A. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
  - B. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance.
2. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Township Supervisors shall at least ten (10) days prior to enactment readvertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
3. Subdivision and land development amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.
4. Within thirty (30) days after adoption, the Township shall forward a certified copy of any amendment to the subdivision and land development ordinance to the County Planning Commission.

### **SECTION 11.4 PENALTIES**

1. Jurisdiction. District justices having territorial jurisdiction over East Manchester Township shall have initial jurisdiction over proceedings brought under Section 11.4.2.

2. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of This Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Ordinance shall be paid over to the Township.
- B. The Court of Common Pleas of York County, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action at law and/or at equity for enforcement pursuant to this Section.

**SECTION 11.5      MEDIATION OPTION**

- 1. Parties to proceedings authorized in This Ordinance may utilize mediation as an aid in completing such proceedings. Mediation shall supplement, not replace, those procedures in This Ordinance once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- 2. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
  - A. Funding mediation.

- B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
  - C. Completing mediation, including time limits for such completion.
  - D. Suspending time limits otherwise authorized in This Ordinance and the Pa. Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
  - E. Identifying all parties and affording them the opportunity to participate.
  - F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
  - G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the Pa. Municipalities Planning Code.
3. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

## **SECTION 11.6 SEVERABILITY**

1. If any section, clause, provision, or portion of This Ordinance shall be held to be invalid, or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of This Ordinance.

**ARTICLE XII**

**ENACTMENT**

**SECTION 12.1 EFFECTIVE DATE**

1. This Ordinance shall become effective the 9<sup>th</sup> day of March, A.D. 1982.

ENACTED AND ORDAINED by the Board of Supervisors of East Manchester Township, York County, Pennsylvania the 9th day of November, A.D. 1981.

BOARD OF SUPERVISORS

/s/ John G. Brown III

/s/ Terry R. Gingerich

/s/ Walter J. Stocker

ATTEST:

/s/ Phyllis L. Bear  
Secretary