

**HEIDELBERG
TOWNSHIP
SUBDIVISION AND LAND
DEVELOPMENT
ORDINANCE**

AMENDED 7th DAY OF DECEMBER, 2011

ORDINANCE 11-3

**TOWNSHIP OFFICE
6424 York Road
Spring Grove, PA 17362**

**HEIDELBERG TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

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HEIDELBERG TOWNSHIP
York County, Pennsylvania

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

AN ORDINANCE SETTING FORTH RULES, REGULATIONS, AND STANDARDS REGULATING SUBDIVISION AND LAND DEVELOPMENT WITHIN THE TOWNSHIP OF HEIDELBERG, YORK COUNTY, PENNSYLVANIA, PURSUANT TO THE AUTHORITY GRANTED IN ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, AS AMENDED AND REENACTED BY ACT 170 OF 1988, AND ESTABLISHING THE PROCEDURE TO BE FOLLOWED BY THE HEIDELBERG TOWNSHIP PLANNING COMMISSION AND THE HEIDELBERG TOWNSHIP BOARD OF SUPERVISORS IN THE APPLICATION AND ADMINISTRATION OF SAID RULES, REGULATIONS AND STANDARDS, AND PROVIDING PENALTIES AND REMEDIES FOR THE VIOLATION THEREOF.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Heidelberg Township, York County, Pennsylvania:

ARTICLE I

TITLE/AUTHORITY

Section 101 Short Title

This Ordinance shall be known as "The Heidelberg Township Subdivision and Land Development Ordinance of 2009."

Section 102 Purpose

This Subdivision and Land Development Ordinance is adopted for the following purposes:

- A. To promote and protect the public health, safety, morals, and welfare.
- B. To promote orderly, efficient, integrated, and harmonious development in the Township.
- C. To ensure conformance of subdivision and land development plans with the Heidelberg Township Comprehensive Plan, the Heidelberg Township Zoning Ordinance, and public improvements plans and to ensure coordination of intergovernmental improvement plans and programs.

- D. To encourage efficient development within the Designated Growth Area of Heidelberg Township.
- E. To protect sensitive and important natural features (e.g. floodplains, wetlands, prime farmlands, unique geologic features, steep slopes, woodlands, game lands, wildlife habitats, etc.) from indiscriminate development.
- F. To coordinate proposed streets and other improvements with existing or proposed streets, parks, or other features of the comprehensive; plan and to provide for drainage, water supply, sewage disposal, and other appropriate utility services.
- G. To require sites for building purposes and human habitation to be suitably improved for their intended use and to minimize the peril from fire, flood, erosion, excessive noise, smoke, or other menace.
- H. To promote the efficient movement of traffic.
- I. To encourage preservation of adequate open spaces for recreation, light, air and maintenance of the natural amenities characteristic of the Township and its residential, commercial, agricultural, industrial, and public areas.
- J. To secure equitable treatment of all subdivision and land development plans by providing uniform procedures and standards.
- K. To ensure that developments are environmentally sound by requiring preservation of the natural features of the areas to be developed to the greatest extent practicable.
- L. To maintain the economic well being of the Township and to prevent unnecessary or undesirable blight, runoff and pollution.
- M. To secure the protection of water resources and drainage ways.
- N. To establish provisions governing the standards by which streets shall be designed and improved, and by which walkways, curbs, gutters, street lights, fire hydrants, water and sewage facilities, and other improvements shall be installed as a condition precedent to final approval of plans.

Section 103 Authority and Jurisdiction

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

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

1. The Heidelberg Township Board of Supervisors shall be vested with the authority to approve or disapprove all subdivision and land development plans.
2. Plans for subdivision and land development shall be submitted to the Heidelberg Township Planning Commission for its review. The Planning Commission will provide the Board of Supervisors with a recommendation for plan approval, disapproval, or conditional approval. Said submission shall take place before approval of any plans by the Township Supervisors. If a report is not received from the Heidelberg Township Planning Commission within thirty (30) days after submission, the Board of Supervisors may proceed without the report.
3. Plans for subdivision and land development located within Heidelberg Township shall be submitted to the York County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township. However, if a report is not received from the York County Planning Commission within thirty (30) days after submission, the Board of Supervisors may proceed without the report.

ARTICLE II

DEFINITIONS

Section 201 General Interpretations

In this Ordinance, the following rules of interpretation shall be used:

- A. The word "lot" includes the word "plot" or "parcel".
- B. Words in the present tense may imply the future tense.
- C. Words used as singular imply the plural.
- D. The masculine gender includes the feminine and neuter genders.
- E. The word "person" includes a partnership, corporation, association, trust, estate, or any other legally recognized entity as well as an individual.
- F. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.
- G. References to any document, official, or entity (i.e. codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies, or officials) are references to Heidelberg Township documents, officials, or entities in effect at the time, unless the text indicates that another reference is intended.

Section 202 Definitions

Unless otherwise stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated in this Section:

ABANDONMENT: The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

ABUT OR ABUTTING: Buildings which physically touch; areas of contiguous lots that share a common lot line.

ACCELERATED EROSION: The removal of the surface of the land through the combined action of human activity and the natural processes at a rate greater than would occur because of the natural process alone.

ACCESS DRIVE; An improved cartway designed and constructed to provide for vehicular movement between a public road and a tract of land or improvements thereon containing any use other than one single-family dwelling unit or a farm.

ACREAGE, GROSS: The total acreage of a parcel including all easements and rights-of-way.

ACREAGE, NET - The acreage of a parcel, excluding the area of any street or railroad right-of-way, but including the area of any easement. Easements which may be a part of the net acreage, include, but are not necessarily limited to, sewer and water system easements and storm water management easements.

AGENT: Any person other than the applicant, who, acting on the landowners authorized behalf, submits a subdivision or land development application.

AGRICULTURAL OPERATION: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquaculture crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AMENDMENT: An official change to this ordinance in accordance with Section 505 of the Pennsylvania Municipalities Planning Code.

APPLICANT (Also see DEVELOPER and SUBDIVIDER): A landowner or developer, as hereinafter defined, who has filed an application for the subdivision or development of a tract of land, including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat, or for approval of a land development plan. This shall include the required and necessary application form, plans, fees and any other dates or documentation submitted on behalf of a subdivision or land development.

AUTHORITY: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L.382, No. 164), as amended, known as the, "Municipalities Authorities Act of 1945".

AWNING: A roof-like cover that is temporary or permanent in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements, and can be periodically retracted onto the face of a building.

BASE FLOOD ELEVATION: The elevation above sea level, based on the vertical datum in the current flood Insurance Rate Maps for Heidelberg Township of the 100-year flood.

BLOCK: An area bounded by streets, railroad rights-of-way, waterways and other definite barriers.

BOARD OF SUPERVISORS: The Board of Supervisors of the Township of Heidelberg, York County, Pennsylvania, its agents or authorized representatives.

BUFFER AREA: A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

BUFFER YARD: An open area whose dimensions normally exceed the normal building setback or yard requirements used to protect low-density uses and zoning districts from adjacent higher-density uses and districts.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind.

BUILDING, ACCESSORY: A building incidental and subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the principal building.

BUILDING, ADDITION: An increase in floor area or attached expansion of an existing building or structure.

BUILDING AREA: The total area of the greatest outside dimensions on a horizontal plane of a building or structure.

BUILDING SETBACK LINE: A line within a property defining the required minimum distance between any structure and the adjacent right-of-way line or property line.

FRONT SETBACK: The minimum required distance between the street line and the front setback line projected the full width of the lot.

REAR SETBACK: The minimum required distance between the rear lot line and the rear setback line projected the full width of the lot.

SIDE SETBACK: The minimum required distance between the side lot line and side setback line projected from the front yard to the rear yard.

BUILDING PERMIT: Written permission issued by the proper municipal authority for the construction, repair, alteration, or addition to a structure.

BUILDING, PRINCIPAL: A building within which is conducted the primary use of the property on which it is located.

CALIPER: The diameter of a tree trunk measured in inches six inches above ground level for trees up to four inches in diameter and 12 inches above ground level for trees over four inches in diameter.

CAMP OR CAMPGROUND: A state-permitted facility, through the Pennsylvania Department of Health, in which a portion of land is used for the purpose of providing a space for trailers or tents for camping purposes, regardless of whether a fee has been charged for the leasing, renting or occupancy of the space, in accordance with the Pennsylvania Code, Title 28, Chapter 19. The campground may be an organized camp which includes a combination of programs and facilities established for the primary purpose of providing an outdoor group living experience for children, youth and adults with social, recreational, and educational objectives and operated and used for five or more consecutive days during one or more seasons a year.

CARPORT: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than three sides, and accessory to a main or accessory building.

CARTWAY: That portion of a street or alley which is improved, designed, or intended for vehicular use, excluding the shoulders.

CENTERLINE: A line located exactly in the center width of a road or street cartway, right-of-way, easement, or access.

CLEAR-SIGHT TRIANGLE: An area of unobstructed vision of both approaches of a driveway, access drive or street intersection as viewed by the driver measured from the centerlines of the intersecting roads a certain distance prior to the intersection. The specific distance varies according to road function.

COMMISSION: The Heidelberg Township Planning Commission.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water, within a development plan, designed and intended for the use or enjoyment of residents of a development, and where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures, but may contain such improvements as approved in the development plan that are appropriate to recreational and other open space areas of any schools or churches to be included within the proposed development.

COMPREHENSIVE PLAN: The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.O. 805, No. 247, as amended and reenacted, consisting of maps, charts and textual material, that constitutes decisions about the physical and social development of the Township of Heidelberg, as amended from time to time.

COMMUNITY SEWER SYSTEM_ A sewage disposal system, other than a public sewer system, which provides sewage disposal for two (2) or more units of occupancy which shall comply with all applicable regulations of the Department of Environmental Protection or other regulatory agency.

COMMUNITY WATER SUPPLY SYSTEM – A water supply system, other than a public water system, providing water for more than two (2) units of occupancy which shall comply with all applicable regulations of the Department of Environmental Protection or other regulatory agency.

CONTIGUOUS: Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous. To physically touch or border upon, or to share a common property line, but not overlap.

COUNTY: York County, Pennsylvania.

COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COVENANT: A restriction placed on a deed and on subdivision or land development plans stipulating certain requirements the deed holder must meet or preventing him from using the property for certain purposes.

CURB: A stone, concrete, or other improved boundary usually marking the edge of the roadway or paved area and protects abutting land from vehicular traffic.

CURB CUT: The opening along the curb line at which point vehicles may enter or leave the roadway.

CUT: To lower the level of the surface of an existing grade, or the vertical distance from the existing ground surface to the planned grade line at a given point.

DECIDUOUS: Plants that drop their leaves before becoming dormant in winter.

DEDICATION: The deliberate assignment of land or property by its owner for any general or public uses, reserving no other rights.

DEED: A written, legal document conveying or indicating ownership of real property.

DEED COVENANT OR RESTRICTION: A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction(s) usually run(s) with the title of the land and is binding upon subsequent owners of the property. The governing body is not responsible for enforcing such deed restrictions, unless the restriction(s) resulted from a condition or stipulation of the subdivision or land development approval process.

DENSITY: The number of dwelling units or units of occupancy per net acre of land as defined herein.

DEP: Pennsylvania Department of Environmental Protection. (See also PADEP)

DESIGNATED GROWTH AREA: An area identified as appropriate for future growth and/or provision of public sewer and separated from areas suited for lesser intensity development, no public sewer, or the surrounding rural countryside.

DETENTION BASIN: A structure designed to temporarily contain and release runoff at a predetermined rate into a watercourse or storm water facility.

DEVELOPER: Any landowner, agent of such landowner or tenant with permission of such landowner, who makes or causes to be made a subdivision of land or a land development or submit a development plan under the terms of this chapter.

DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT: Any land development that, because of its character, magnitude, or location will have a substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

DEVELOPMENT PLAN: The provisions for development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open-space and public facilities.

DRAINAGE EASEMENT: An easement required for the installation of storm water sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course or other drainage facility.

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

DRIVEWAY: An improved surface for vehicular travel which provides access between a public or private street or access drive and the parking area for all residential uses (except multi-family) and all agricultural uses.

DWELLING:

Any residential 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, recreational vehicles, hotels, motels, hospitals, nursing homes, treatment centers or other accommodations used for transient occupancy.

MANUFACTURED HOUSING: Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation of assembly and installation on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

MULTI-FAMILY: A building containing three (3) or more dwelling units located on a single lot.

SINGLE FAMILY ATTACHED: A portion of a building containing one (1) dwelling unit and having two (2) party walls. Each dwelling unit is located on a separate lot. End units which have one (1) party wall in common are included and are subject to the lot area requirements for other single family attached units but must meet setback requirements on the open side.

SINGLE FAMILY, DETACHED: A building containing only one (1) dwelling unit located on a single lot.

SINGLE FAMILY, SEMI-DETACHED: A portion of a building containing one (1) dwelling unit and having one (1) party wall in common with another dwelling unit. Each dwelling unit is located on a separate lot.

TWO FAMILY: A building containing two (2) dwelling units located on the same lot.

DWELLING UNIT: One or more rooms used for living and sleeping purposes and having a kitchen(s) with fixed cooking facilities, toilet and bathroom facilities and arranged for occupancy by not more than one family.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

ENGINEER, TOWNSHIP: A registered professional engineer in Pennsylvania designated by Heidelberg Township to perform the duties of engineer as herein specified.

ENGINEER, PROFESSIONAL: An individual licensed and registered under the laws of the Commonwealth to engage in the practice of engineering.

EROSION: The removal of surface materials by the action of natural elements.

EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting there from.

EXISTING GRADE: The vertical location of the ground surface prior to excavation or filling.

FILL: 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. It shall include the conditions resulting there from. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade. The material used to make a fill.

FINISHED GRADE: The proposed elevation of the land surface of a site after completion of all site preparation work.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD BOUNDARY, FIVE-HUNDRED-YEAR: The outer boundary of an area of land that is likely to be flooded once every 500 years (i.e., that has 1/5 of 1% chance of being flooded each year).

FLOOD BOUNDARY, ONE-HUNDRED-YEAR: The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a 1% chance of being flooded each year).

FLOOD INSURANCE RATE MAP (FIRM): An official floodplain map of a community, issued by the Federal Insurance Administration.

FLOOD FRINGE: That portion of the floodplain outside the floodway.

FLOODPLAIN: A floodplain may be either or a combination of: (a) a relatively flat or low land area which is subject to partial or complete inundation from a stream, river or watercourse; or (b) any area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: The channel of a watercourse and the adjoining land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. For the purposes of this Ordinance the floodway shall be capable of accommodating a flood of the one hundred (100) year magnitude as specified on the most recent FEMA Flood Insurance Rate Map generated by the Federal Emergency Management Agency for the National Flood Insurance Program for the property to which the plan application applies.

FLOODWAY FRINGE: Those portions of land within the FP-Floodplain District subject to inundations by the one-hundred-year flood, beyond the floodway in areas where detailed study and profiles are available.

FORESTRY (TIMBER HARVESTING): The management of forests and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FREEBOARD: The vertical difference between the crest of an embankment or drainage structure and the design water surface.

FUTURE RIGHT-OF-WAY: (1) right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads; (2) a right-of-way established to provide future access to or through undeveloped land.

GOVERNING BODY: The Board of Supervisors of Heidelberg Township, York County, Pennsylvania.

GRANDFATHERED: Permit to continue as in an existing use currently prohibited but which was established at a time when it was permitted.

GREENWAY: A greenway may be any one or combination of the following: (1) a linear open space established along either a natural corridor, such as a riverfront, stream valley or ridgeline,

or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; (2) a natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector linking parks, natural reserves, cultural features or historic sites with each other and with populated areas; and (4) strip or linear parks designated as a parkway or greenbelt.

GUARANTEE, MAINTENANCE: Any financial security that may be required of a developer by a municipality after final acceptance by the municipality of improvements installed by the developer. Such security may include, but not limited to, irrevocable letters of credit, bonds, restrictive accounts, or escrow accounts from Township-approved Federal, or Commonwealth lending institutions.

GUARANTEE, PERFORMANCE: Any financial security that may be required of a developer by the municipality in lieu of a requirement that certain improvements be made prior to final approval of the subdivision or land development plan. Such security may include, but is not limited to, those instruments cited above as acceptable as maintenance guarantees.

HOMEOWNERS ASSOCIATION: A community association, which is, organized in a development in which individual owners share common interests in open space or facilities.

IMPERVIOUS SURFACE: A surface that prevents the percolation of water into the ground including, but not limited to, concrete, brick, asphalt, or a building's roof.

IMPOUNDMENT: A body of water, such as a pond, confined by a dam, dike, floodgate, or other barrier.

IMPROVED PUBLIC STREET: Any street for which the (municipality), or Commonwealth has maintenance responsibility and which is paved with an approved hardtop surface.

IMPROVEMENTS: Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to buildings, structures, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities, and street shade trees, and improvements to existing water courses.

INTERIOR WALK: A right-of-way for pedestrian use extending from a street into a block between lots or across a block to another street for pedestrian traffic.

LAND DEVELOPMENT (See SUBDIVISION):

1. The improvement of one or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - a. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single non residential building on a lot or lots regardless of the number of occupants or tenure, or,
 - b. (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of

- streets, common areas, leaseholds, condominiums, building groups or other features,
2. A subdivision of land.
 3. The following are exempted from the definition of Land Development:
 - a. The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
 - b. The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or,
 - c. 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 subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

LAND DEVELOPMENT, MAJOR: A land development for which public improvement(s) such as, but not limited to, public streets, public water systems, public sewer systems, public storm water facilities, or public sidewalks are proposed or required.

LAND DEVELOPMENT, MINOR: A land development for which no public improvements are proposed or required.

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 conditions), a lessee having a remaining term of not less than forty years, or other person having a proprietary interest in the land, shall be deemed to be a landowner for the purpose of this Ordinance.

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.

CORNER: A lot at the junction of and abutting on two or more intersecting streets or private roads.

FLAG (PAN HANDLE): A lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway set within a narrow strip of land that connects the main portion of the lot with the street.

INTERIOR: A lot other than a corner lot.

REVERSE FRONTAGE: A through lot with front and rear street frontage with access to the lot from the lower classified roadway.

LOT AREA: The area contained within the property lines of a lot as shown on a subdivision plan excluding space within any public street right-of-way, but including the area of any easement.

LOT COVERAGE: The percentage of a lot which is covered by an impervious surface.

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

LOT LINES: The boundary lines of a lot as defined herein.

FRONT LOT LINE: The lot line separating a lot from a street right-of-way. In the case of a corner lot or a lot abutting a street right-of-way on more than one (1) side, there shall be two (2) front lot lines.

REAR LOT LINE: The lot line opposite and most distant from the front lot line. A corner lot's rear lot line shall be that lot line directly opposite the front lot line of the street of address.

SIDE LOT LINE: Any lot line other than a front or rear lot line. A corner lot shall have two front lines, and two side lot lines.

LOT, MOBILE HOME: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

LOT WIDTH: The horizontal distance between the side lines of a lot measured at the street right-of-way line.

MANUFACTURED HOME: Factory-built single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S. c. Sec. 5401) commonly known as HUD (U.S. Department of Housing and Urban Development) code.

MOBILE HOME: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MODIFICATION WAIVER: Relief from this ordinance's provisions granted by the Heidelberg Township Board of Supervisors for relief from the strict application of a specific requirement or provision of this ordinance, which if literally enforced would exact undue hardship on the applicant. Modification/waiver decisions are required to be based on unique or peculiar conditions pertaining to the land.

MODULAR HOME: A type of dwelling that is in a substantial part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any

dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one (1) substantial piece prior to delivery on the site.

MONUMENT: A tapered, permanent survey reference point of stone or cement having a round top four inches (4") on each side with a length of twenty-four (24") inches.

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L.382, No. 164), as amended, known as the, "Municipalities Authorities Act of 1945".

MUNICIPALITY: Heidelberg Township, York County, Pennsylvania.

NONCONFORMING LOT: A lot, the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE OR BUILDING: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this zoning ordinance or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE: A use, whether of land or structure, which does not comply with the applicable use provisions in this zoning ordinance or amendment theretofore or hereafter enacted, where such use lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

NPDES: The National Pollutant Discharge Elimination System.

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

OFFICIAL MAP: A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

PADEP: The Pennsylvania Department of Environmental Protection.

PARCEL: Any lot, plot or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots or deeded areas.

PARK: A tract of land, designated and used for active and passive recreation.

PARKING LOT: Any lot, municipally or privately owned for off street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

PARKING SPACE: The space within a building, or on a lot or parking lot, for the parking or storage of one (1) automobile.

PEDESTRIAN WALKWAY: A specified easement, walkway, path, sidewalk or other reservation which is designed and used exclusively by pedestrians.

PENNDOT: The Pennsylvania Department of Transportation.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (PAMPC): Act 247 of 1968, as reenacted and amended.

PERSON: A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PLAN OR PLAT: The map or drawing of a subdivision or land development, including all supplementary data.

CONSTRUCTION IMPROVEMENT: A plan prepared by a registered engineer or surveyor showing the construction details of streets, drains, sewers, bridges, culverts, and other improvements as required by this Ordinance.

FINAL: A complete and exact subdivision or land development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

PRELIMINARY: A tentative subdivision or land development plan, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

PRE-APPLICATION (SKETCH): An informal plan indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development. The pre-application (sketch) plat or plan does not constitute a formal submission of a preliminary or final plat, and the submission of which is voluntarily offered to all applicants for guidance.

RECORD: A final plan which contains the original endorsement of the local municipality and the Planning Commission which is intended to be recorded with the York County

Recorder of Deeds.

REVISED FINAL: Any subdivision or proposed land development plan that changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.

PLANNING COMMISSION: The Heidelberg Township Planning Commission.

PRE-APPLICATION CONFERENCE: An initial meeting between developers and the Township staff which affords applicants and/or developers the opportunity to present their proposals informally.

PUBLIC GROUNDS: Includes:

1. Parks, playgrounds, trails, paths and other recreational areas;
2. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities;
3. Publicly owned or operated scenic and historic sites.

PUBLIC LAND: Owned, operated or controlled by a government agency, whether federal, state, or local, and including any corporation created by law for the performance of certain specialized governmental functions, or any public school district.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING: A forum held pursuant to notice under 65 PA. C.S., CH 7 (Relating to open meetings).

PUBLIC NOTICE: A notice published once each week for two 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.

RECREATIONAL VEHICLE: A vehicular type unit, portable and without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

RECREATIONAL VEHICLE PARK OR CAMPGROUND: A parcel of land which has been planned and improved for the placement of recreational vehicles or camping equipment for temporary living quarters, for recreational, camping or travel use, on recreational vehicle or camp ground lots rented for such use.

RECREATIONAL VEHICLE PARK OR CAMPGROUND LOT: A parcel of land abutting a street or private road occupied by one (1) recreational vehicle or camping equipment for temporary living quarters, for recreational, camping, or travel use.

RETENTION BASIN: A reservoir, formed from soil or other material, which is designed to detain temporarily, a certain amount of storm water from a catchment area and which may also be designed to permanently retain additional storm water runoff from the catchment area. Retention basins may also receive freshwater from year-round streams. Unlike detention basins, retention basins always contain water, and thus may be considered man-made lakes or ponds.

RIGHT-OF-WAY: A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

RIPARIAN BUFFER AREA: An area of land adjacent to a perennial or intermittent stream, subject to the regulations of the municipal zoning ordinance.

RUN OFF: 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.

SAFE STOPPING SIGHT DISTANCE: The distance required by a driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver.

SANITARY SEWAGE: Any liquid waste containing animal or vegetable matter in suspension or solution or the water-carried waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or any other source of water-carried waste of human origin or containing other putrid material.

SANITARY SEWAGE DISPOSAL, PUBLIC: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a major portion of a municipality or municipalities, and operated by a governmental agency, governmental authority, or public utility company.

SANITARY SEWAGE DISPOSAL, CENTRALIZED: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, commonly called a "package treatment plant", generally serving a single land development, subdivision, or neighborhood, and operated by a governmental agency, governmental authority, public utility company, homeowner's association, or a developer.

SANITARY SEWAGE DISPOSAL, ON-LOT: Any structure designed to treat sanitary sewage within the boundaries of an individual lot.

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 remains suspended in water), it is usually referred to as "Sediment".

SEPTIC SYSTEM: An underground system with a septic tank used for the decomposition of domestic wastes.

SIDEWALK: A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

SITE: A parcel of land located in a municipality, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one (1) lot.

SITE PLAN: An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

SKETCH PLAN: See PLAN OR PLAT, PRE-APPLICATION (SKETCH)

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 100 feet of horizontal distance.

STAFF: The Township's personnel or contracted personnel.

STEEP SLOPE: Land with a 15 feet or greater change in elevation for every 100 feet or less in horizontal distance.

STORM WATER: Water that surfaces, flows or collects during and subsequent to rain or snowfall.

STORM WATER MANAGEMENT PLAN: A plan for managing the storm water runoff from a proposed subdivision or land development, including data and calculations, prepared by the developer in accordance with the standards of this ordinance, or any applicable municipal or watershed storm water management ordinance.

STREAM: A watercourse having a source and terminus, banks and channel through which waters flow at least periodically.

STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other public or private ways, excluding driveways and access drives, which afford a means of access to abutting properties, used or intended to be used by vehicular traffic or pedestrians. Streets are further classified as follows:

ARTERIAL STREET/ROAD: A street or road which is used primarily for through traffic, including all roads classified as main and secondary highways by the Pennsylvania Department of Transportation.

COLLECTOR STREET/ROAD: A street or road which carries traffic from minor streets to the major system of arterial streets as well as providing access to abutting properties. Including but not limited to the principal entrance streets of a residential

development, the main circulatory streets within such development, and rural roads connecting rural development to major road systems.

CUL-DE-SAC STREET: A street with one (1) end intersecting a through street for public vehicular and pedestrian access and the other end terminating in a vehicular turnaround. A cul-de-sac street shall be designed as a minor or local street.

DEAD-END STREET: A street or a portion of a street with only one (1) vehicular traffic outlet.

MARGINAL ACCESS STREET: A street that runs parallel to a higher-order street and provides access to abutting properties and separation from through traffic. A marginal access street shall be designed as a minor or local street.

MINOR OR LOCAL STREET: A street which is used primarily for local access to abutting properties, oftentimes serving internally developed areas.

SERVICE STREET OR ALLEY: A public or private right-of-way which affords only a secondary means of access to property otherwise abutting a street and not intended for general traffic circulation.

STREET LINE: The line defining the edge of a street right-of-way and separating the street from abutting properties or lots. Commonly known as the right-of-way line.

STREET, PAPER: A Street that has never been built shown on an approved plan, subdivision plat, tax maps, or official map.

STREET, PRIVATE: A legally established right-of-way other than a public street not offered for dedication or accepted for municipal ownership and maintenance.

STREET, PUBLIC: A street ordained or maintained or dedicated and accepted by the municipality, county, state or federal governments and open to public use.

STREET, SHOULDERS: The portion of the street, contiguous to the cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of the pavement.

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

STRUCTURE, ACCESSORY: A structure detached from a principle structure, but located on the same lot, which is customarily incidental and subordinate to the principal building, structure or use.

STRUCTURE, PRINCIPAL: The main or primary structure on a given lot, tract or parcel.

STRUCTURE, TEMPORARY: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

SUBDIVIDER: The owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided for sale or land development under the terms of this Ordinance.

SUBDIVISION (Also see LAND DEVELOPMENT): 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 residential dwellings, shall be exempted.

SUBDIVISION, MAJOR: A land subdivision involving six (6) or more lots, or any land subdivision requiring new streets or other public improvements.

SUBDIVISION, MINOR: A land subdivision involving five (5) lots or less and involving no new streets or other public improvements.

SUBDIVISION, REVERSE: To conjoin two (2) or more lots

SUBSTANTIALLY COMPLETED: Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to PAMPC, Section 509) of those improvements required as a condition for the final approval have been completed in accordance with the approved plan, so that the project will be able to be used and operated for its intended use.

SURVEYOR, PROFESSIONAL LAND: An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of land surveying.

SWALE: A natural or man-made, wide, shallow ditch or depression which gathers or carries surface water runoff.

TOPOGRAPHIC MAP: A map showing the elevations of the ground by contours or elevations.

TOWNSHIP: The Township of Heidelberg, York County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

TRAVEL TRAILER: A portable structure, primarily designed to provide temporary living quarters for recreation, camping, or travel purposes. In addition to the above, any one of the following attributes are characteristic of a travel trailer:

1. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self propelled, or when hauled by a standard motor vehicle on a highway;
2. The unit is mounted or designed to be mounted on wheels;
3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
4. The unit contains, or was designed to contain, temporary storage of water and sewer; or,

5. The unit contains some identification by the manufacturer as a travel trailer.

USE: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE, ACCESSORY: A use customarily incidental and subordinate to the principal use located on the same lot with this principal use.

USE, PRINCIPAL: The main or primary use of property.

UTILITY, PUBLIC: Any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service.

UTILITY, PRIVATE: A closely regulated private enterprise with an exclusive franchise for providing a public service.

WAIVER: See MODIFICATION / WAIVER.

WATERCOURSE: Any channel of conveyance of surface water having a defined bed and banks, whether natural or man-made, with permanent or intermittent flow such as a stream, river, brook, creek, or a channel or ditch for water.

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

WETLANDS: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that are under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. For the purposes of this ordinance, the term includes but is not limited to, wetland areas listed in the State Water Plan, the US Forest Service Wetland Inventory of Pennsylvania, the US Fish and Wildlife National Wetlands Inventory, and wetlands designated by the Susquehanna River Basin Commission.

YARD, BUFFER: See BUFFER YARD.

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

ARTICLE III

PLAN PROCESSING PROCEDURES AND REQUIREMENTS

Section 301 Plan Processing Procedures

General Procedure

- A. Whenever a subdivision or land development is proposed, a plan of the layout of such subdivision or land development shall be prepared, filed and processed according to the requirements of this Ordinance. The Township Board of Supervisors may hold a public hearing, pursuant to public notice, prior to action on the plan. No lots will be sold or structures erected prior to the final approval of the plans.
- B. The applicant shall complete the "Check List for Submitting Subdivision and Land Development Plan" (See Appendix No.1) for all preliminary and final plans.
- C. The Township shall have the right not to accept a plan, if the plan is determined within seven (7) business days of being submitted to the Township, administratively incomplete due to the omissions of any criteria required in Article 4 of this Ordinance. Any such non-acceptance of a plan shall deem the plan not be considered officially filed.
- D. Prior to the preparation of any plan, the applicant shall review the rights and restrictions associated with prior recorded plan and is advised to consult with all appropriate agencies with respect to, but not limited to as more fully described in this Ordinance;
 - 1. Compliance to zoning ordinance
 - 2. Sanitary and water services
 - 3. Public utilities
 - 4. Storm water control measures
 - 5. Floodplain development measures
 - 6. Erosion and sedimentation control measures
 - 7. Historic Preservation
 - 8. Important Natural Habitats
 - 9. Archaeological Resources
- E. Whenever the Zoning Ordinance provides that the use proposed by the applicant for subdivision or land development approval shall constitute a use by special exception or conditional use, or when a variance from the terms of the Zoning Ordinance is required to develop in accordance with the plan, the applicant shall obtain such special exception, variance or conditional use approval from the Township Zoning Hearing Board or Township Board of Supervisors, as applicable, prior to the submission of the preliminary

plan. The plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such special exception, variance or conditional use by the Township Zoning Hearing Board or Board of Supervisors, as applicable.

- F. Any prospective developer shall schedule a consultation with the Township Engineer and other appropriate staff of the Township for in-house review of the applicability of the provisions of this Ordinance prior to plan submission.
- G. Plan submission, official filing date and approval of the plan.
 - 1. The application for submission of subdivision and land development plans shall be submitted to the person designated by the Township to receive such plans fifteen (15) working days prior to the regularly scheduled planning commission meeting date. Upon receipt of an application, the Township shall affix to the application both the date of submittal and the official filing date.
 - 2. The official filing date shall be the date of the next regularly scheduled meeting of the planning commission following the submittal date. Should the regular meeting occur more than thirty (30) days following the submission of the application, then the official filing date shall be the 30th day following the day the application has been submitted.
- H. Approval of Plans

The application for approval of the plans whether preliminary or final shall be acted upon and a decision rendered by the Township Board of Supervisors and communicated in writing to the applicant not later than ninety (90) days following the official filing date unless an extension of time is granted by the applicant, up to no more than a total of three hundred sixty five (365) days

Section 302 Sketch Plan (Optional)

- A. Prior to the filing of a subdivision or land development plan, the applicant is strongly encouraged to submit a sketch plan to the planning commission for advice, general feedback on the adequacy of the plan, and assistance on the requirements necessary to achieve conformity with the standards of this and other applicable Township ordinances. The submission of a sketch plan is for the purpose of informal review and does not constitute an official subdivision and land development application.
- B. The plan shall be labeled "SKETCH PLAN" and shall include sufficient data such as listed below.
 - 1. Name and address of the legal owner, the equitable owner, and/or applicant and the person responsible for preparing the sketch plan.
 - 2. Title, scale, north arrow and date of preparation
 - 3. Location map, tract boundary and ground contours

4. Existing and proposed streets.
 5. Layout of lots, rights-of-way, and open space easements.
 6. Topographic features such as water courses, rock outcropping, steep slopes, wetlands, vegetation, and floodplain areas.
 7. Proposed method of water supply, sewage disposal and storm water management.
 8. The zoning district for the proposed plan area along with required lot dimensions and setbacks.
- C. Seven (7) copies of the sketch plan shall be submitted fifteen (15) working days prior to the planning commission's regularly scheduled meeting date.

Section 303 Preliminary Plan Procedures

The preliminary plan and all related information shall be submitted to the Township as provided below:

- A. Plans shall be submitted to the Township fifteen (15) working days prior to the Planning Commission meeting date. The applicant may request a waiver and submit a combined preliminary/final plans for non-phased projects.
- B. Ten (10) copies of the preliminary plan application form including description, purpose of the plan, and checklist duly completed.
- C. When a sewage module is required, the applicant shall submit five (5) copies of the appropriate planning module component, as required by the PA Department of Environmental Protection for compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code.
- D. Two (2) copies of the storm water management report.
- E. A non-refundable filing fee for the Township as set by the Township Board of Supervisors.
- F. The Township will distribute within seven (7) days, copies of the preliminary plan to the following, as applicable:
 1. Members of the planning commission
 2. Township Solicitor
 3. Township manager and codes/ zoning officer
- G. The applicant shall forward within seven (7) days, copies of the preliminary plan to the following as applicable:
 1. Fire company for its review to insure that it and other emergency service providers will have adequate access into and within the site.
 2. County conservation district

3. Township engineer
 4. School district, public utility(ies), and any other appropriate public agency deemed beneficial to review the plan by the Township.
- H. The applicant shall forward one (1) copy of the preliminary plans and supporting documents with review fee and York County application for plan review by the York County Planning Commission.
- I. The County Planning Commission shall review the preliminary plan and data and shall return a written review report to the Township within thirty (30) days of its receipt of the same or forfeit its right to review. The Township Planning Commission shall not take action on the application until the county review report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County, whichever comes first.
- J. The Township Planning Commission shall review the preliminary plan to determine if it meets the requirements and standards set forth in this Ordinance. The Planning Commission shall recommend whether the preliminary plan should be approved, approved with conditions, tabled to make revision to the plan, or disapproved. The Planning Commission shall notify the Township Board of Supervisors of its recommendation in writing. If the plan is recommended for disapproval, the reasons for such action, including specific reference to the provision of any statute or ordinance which have not been fulfilled, shall be included in the written notification.
- K. When a plan is tabled by the Planning Commission for the applicant to comply with the review comments generated by the Planning Commission, Codes/Zoning staff, Township Engineer, County Planning Commission, and any other review entity(s), the applicant shall provide a written response to all the comments and the revised plan before the next Planning Commission meeting at which the plan is to be considered.
- L. The Planning Commission shall act on the preliminary plan in time for the Township Board of Supervisors to render its decision within ninety (90) days, or the extension time period thereof, of the official filing date. Failure to do so shall be deemed an approval of the plan.
- M. Before acting on the plan, the Township Board of Supervisors may hold a public hearing on the plan, after proper public notice. When a plan is tabled by the Board of Supervisors for the applicant to comply with the review comments generated by the Planning Commission, Codes/Zoning staff, Township Engineer, County Planning Commission, and any other review entity(s), the applicant shall provide a written response to all the comments and the revised plan before the next Board of Supervisors meeting at which the plan is to be considered.
- N. The Township Board of Supervisors shall act on the preliminary plan at a regular or special meeting.

- O. The Township Board of Supervisors shall notify the applicant, in writing, of its decision to approve, approve with conditions or disapprove the preliminary plan. Such notice shall be given to the applicant in person or mailed to him/her at the last known address not later than fifteen (15) days following the decision. If the plan is approved with conditions or disapproved, the Township Board of Supervisors shall specify in their notice the conditions which must be met and/or the defects found in the plan and the requirements which have not been met, including specific reference to provisions of any statute or ordinance which have not been fulfilled.
- P. If the preliminary plan is approved subject to conditions, the Township Board of Supervisors shall not sign the plan until all the conditions have been met. All conditions of approval must be fulfilled within 120 days of the date of conditional approval, or the approval shall automatically become null and void, unless the 120 day time frame is requested by the applicant in writing to be extended by the Township Board of Supervisors. The official date of approval of the preliminary plan shall be the date of conditional approval.
- Q. Approval of the preliminary plan shall constitute a subdivision or land development plan with respect to general design, the arrangements and approximate dimension of lots, street and other planned features. The approval binds the developer to the general scheme of the plan as approved. Approval of the preliminary plan does not authorize the recording, sale, or transfer of lots. Construction of improvements are allowed to be constructed after the approval of the preliminary plan.
- R. The preliminary plan approval will be effective for a five (5) year period from the date of approval of the preliminary plan and 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 plan in accordance with the terms of such approval within five (5) years from such approval. The final plan for the entire project must be made within five (5) years of the preliminary plan approval unless the Township Board of Supervisors grants a waiver by extending the effective time period of the approval. An extension of time may be requested by the applicant in writing and approved by the Township Board of Supervisors in accordance with Section 508(4) of the Pennsylvania Municipalities Planning Code, Act 247 as amended. Request for extension shall be submitted to the Township thirty (30) days prior to any prevailing expiration date. Extensions may be granted for no more than three (3), one-year periods.
- S. In the case of a preliminary plan calling for installation of improvements beyond the five (5) year period, a schedule shall be filed by the applicant with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plat approval of each section 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 section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Township Board of Supervisors in its discretion.

- T. 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 shown on the preliminary plan, unless a lesser percentage is approved by the Township Board of Supervisors in its discretion. Provided the applicant has not defaulted with regards to or violated any of the conditions of the preliminary plan approval, including compliance with applicant's aforesaid schedule of submission of final plans for the various sections, then the aforesaid protection afforded by substantially completing the improvements shown on the final plan within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protection shall apply for an additional term or terms of three (3) years from the date of final plan approval for each sections.
- U. Failure of applicant to adhere to the aforesaid schedule of submission of the final plan for the various sections shall subject any such section to any and all changes in this ordinance, zoning and other governing ordinance enacted by the Township Board of Supervisors subsequent to the date of the initial preliminary plan submission.

Section 304 Final Plan Procedures

- A. After the applicant has received from the Township the official notification of the approval of the Preliminary Plan with or without conditions, and the applicant has successfully fulfilled any conditions of approval, the applicant may submit a final plan in accordance with this ordinance and the provisions of the Municipalities Planning Code. The Township will not accept a final plan submission unless all preliminary plan conditions have been met.
- B. Filing of the plan shall include all the material and data required under the final plan specifications and appropriate review fees. The applicant may request a waiver and submit a combined preliminary/final plans for non-phased projects.
- C. The applicant shall submit to the Township the completed application form and appropriate filling fees, along with the following:
 - 1. Ten (10) copies of the final plan.
 - 2. Two (2) copies of storm water management report.
 - 3. Two (2) copies of the plans prepared to support the application for a Highway Occupancy Permit, for those final plans which require access to a highway under the jurisdiction of the PA Department of Transportation.
 - 4. Ten (10) copies of all supporting information required for the Final Plan submission.
 - 5. Provide one (1) digital copy of the Final Plan Submission in a form acceptable to the Township.

- D. The applicant shall forward within seven (7) days, one copy of the final plan, report(s) to the York County Planning Commission with review fee. The Township may send plans to other entities as needed. The Township will provide copies of the plan and required report(s) to the Township Planning Commission.
- E. The final plans shall be reviewed by the Township Engineer, Township Solicitor, and other appropriate Township staff to provide review comments to the Planning Commission and the applicant.
- F. The County Planning Commission shall review the plans and provide review comments to the Township within thirty (30) days.
- G. The Township Planning Commission will review the plan and required report(s) at its regularly scheduled meeting date, for compliance with the approved Preliminary Plan and this Ordinance and make recommendation to the Township Board of Supervisors. The Planning Commission shall act on the final plan in time for the Township Board of Supervisors to render their decision within 90 days from the official filing date.
- H. The final plan shall incorporate all the changes and modifications required by the Township Board of Supervisors in the Preliminary Plan, and shall conform to the approved Preliminary Plan. It may constitute only that portion of the approved Preliminary Plan which the applicant proposes to record and develop at the time, provided that such portion conforms to all the requirements of this ordinance and the phasing requirement agreed upon with the Township Board of Supervisors and the requirements of the Municipalities Planning Code, Act 247, as amended.
- I. When a plan is tabled by the Planning Commission/Township Board of Supervisors for the applicant to comply with review comments generated by the Planning Commission/Township Board of Supervisors, Codes/Zoning officer, Township Engineer, County Planning Commission, or other review entity(s), the applicant shall provide a written response to all the comments and the revised plan before the next Planning Commission/Township Board of Supervisors meeting date.
- J. The Township Board of Supervisors will not take the official action on the final plan until the applicant and the Township agree on the terms for completion of all public improvements or guarantee thereof. The agreements and improvement and/or maintenance guarantee shall be prerequisite to final plan approval and shall be in accordance to improvement and maintenance guarantees.
- K. The Township Board of Supervisors, upon the recommendation of the Township Planning Commission, shall act on the final plan within ninety (90) days, or time period extension thereof of the official filing date.
- L. In the event that any modification/waiver of a requirement from this Ordinance is requested by the applicant, or is deemed necessary for approval, the details of the

modification request and the reasons for its necessity shall be submitted to the Township in writing as provided in this Article.

- M. The applicant during the plan review process may grant an extension of time for the Township to act on the plan in writing.
- N. The Township Board of Supervisors shall notify the applicant, in writing, of its decision to approve, approve with conditions or disapprove the plan. Such notice shall be given to the applicant in person or mailed to the applicant's last known address not later than fifteen (15) calendar days following the decision. If the plan is approved with conditions or disapproved, the Township Board of Supervisors shall specify in their notice the conditions which must be met and/or the defects found in the plan and the requirements which have not been met, including specific reference to the provisions of any statute or ordinance which have not been fulfilled.
- O. If the plan is approved with conditions, the applicant shall respond to the Township Board of Supervisors indicating acceptance or rejection of such conditions. Such response shall be in writing, signed by the applicant, and received by the Township within fifteen (15) calendar days of receipt by the applicant of the Township Board of Supervisors decision to approve the plan with conditions. Approval of the plan shall be rescinded automatically upon the applicant's failure to accept or reject such conditions in the manner and within the time frame noted above.
- P. No changes, erasures, modifications or revisions shall be made on any final plan after approval has been given by the Township Board of Supervisors, and endorsed in writing on the plan, unless the plan is first resubmitted to the Township Board of Supervisors.
- Q. The applicant shall place a notation on the final plan if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such areas shall remain with the owner and the Township shall assume no responsibility for improvement or maintenance thereof, which fact shall be noted on the final plan.
- R. Within ninety (90) days after the approval of the final plan by the Township Board of Supervisors and upon all conditions being met, the applicant shall provide one (1) reproducible Mylar and no less than six (6) prints of the plan to the Township for signatures of the Township Board of Supervisors. Then the applicant shall obtain the signatures of the County Planning Commission for review of the plan and provide two signed paper copies and one signed mylar copy of the final plan to the Township. The final signed plan shall be recorded by an agent of the Township in the office of the County Recorder of Deeds.
- S. Recording of the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use and to dedicate or reserve all park reservation and other public areas to public use unless reserved by the applicant as hereinafter provided. The approval of the final plan shall not impose any duty upon the Township or the Township Board of Supervisors concerning maintenance or improvements of any such dedicated street, or

public use, until the Township Board of Supervisors shall have accepted the same by the prevailing procedure of the Township.

Section 305 Plans Exempted from Preliminary Plan Procedures

Plans that meet the criteria as listed hereafter shall be exempt from the requirement to process a preliminary plan and may process a final plan prepared in accordance with Article 4.

A. LOT ADD-ON PLAN PROCEDURE

A plan which proposes to alter the location of lot lines between existing lots of separate ownership for the sole purpose of increasing lot size can be submitted as a "Lot Add-on Final Plan" to the Township when meeting the following criteria;

1. No lot or tract of land is created which is neither smaller than the minimum nor larger than the maximum lot size permitted by the Township Zoning Ordinance.
2. The site and/or existing storm water management facilities are not altered in a manner that affects the discharge of storm water to an adjacent property or significantly relocates a major storm water management facility within the project.
3. Access to the affected parcel is not changed.
4. Street alignments are not changed.
5. No new building lots are created

The Lot Add-on Plan shall be prepared in conformance with the provisions in Article 4 of this Ordinance. A lot add-on plan shall be filed with the Recorder of Deeds prior to the execution of a deed for the conveyance of land.

B. CENTERLINE SEPARATION PLAN PROCEDURE

"Centerline Separation Final Plan" may be used to divide one lot into two lots whose common boundary is one of the following:

1. The centerline of an existing street; or,
2. The centerline of an existing creek or stream; or,
3. A municipal boundary.

The proposed lots to be created by the centerline separation subdivision plan shall conform to all the following:

1. The resultant lots meet all requirements of the applicable zoning district.

2. The proposed lots shall be separated by the common boundary along its entire length through the parent tract; and,
3. The proposed lots shall conform to the design standards found in Article V of this Ordinance.
4. The resultant lots shall retain adequate access to accommodate potential development in accordance with the current zoning district regulations.
5. Notification from Pennsylvania Department of Environmental Protection that either approval of the Sewer Facility Plan Revision (Plan Revision Module) or supplement has been granted or that such approval is not required.

A Centerline Separation Plan shall be prepared in conformance with the provisions in Article 4 of this Ordinance.

C. MINOR SUBDIVISION OR LAND DEVELOPMENT

1. In the case of a subdivision plan of five (5) lots or less, either initially or cumulatively from the effective date of this Ordinance, which does not require provisions for a new street, the applicant may at his discretion concurrently submit preliminary and final plans for action at the Board meeting. For the purpose of interpreting this Section of the Ordinance, a subdivision of not more than five (5) lots shall include the remaining tract.
2. In the case of a land development plan that requires no public improvements be proposed, the applicant may at his or her discretion concurrently submit preliminary and final plans for action by the Township.
3. In every case where a plan conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in this Article.

Section 306 Plans Exempted From Preliminary or Final Plan Procedures

A plan for a building addition not exceeding five thousand (5,000) square feet to an existing non-residential principal structure is exempt from preliminary or final plan procedures provided that:

- A. The building addition exemption shall be based upon the cumulative sum of all additions after the date of the effective date of this Ordinance.
- B. The addition does not create a need for any additional parking, per the Township Zoning Ordinance.
- C. The addition, does not, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, create the need for a sewage facilities plan revision (plan revision module for land development), or supplement.

- D. The addition does not create a need for any additional public improvements per this Ordinance.
- E. The addition is not for the creation of additional units of occupancy.
- F. The addition does not require approval from the Zoning Hearing Board.
- G. The addition complies with all provisions of the Township's storm water management ordinance and all other applicable Township ordinances.

Section 307 Procedure for Requesting the Consideration of a Modification of the Provisions of this Ordinance

- A. The provisions of these regulations are intended as a minimum standard for the protection of the public health, safety and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant to the satisfaction of the Board present at a public meeting to be unreasonable and to cause undue hardship as it applies to the particular property, the Board may grant a modification from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a modification shall not have the effect of making null and void the intent and purpose of this Ordinance.
- B. A request for a modification is to be submitted as part of a sketch, preliminary or final plan application but may be submitted to the Township at any time. All requests shall include a completed application for consideration of a modification as provided in the Appendix, be in writing and accompanied by a plan prepared at least to the minimum standards of a sketch plan (See Section 402). The written request shall identify:
 - 1. The specific section of this Ordinance which is requested to be modified.
 - 2. The provisions proposed as an alternate to the requirements. The alternate provisions must be equal to or better than the requirements of, and consistent with, the intents of this Ordinance and shall not be contrary to the general public interest.
 - 3. Justification for the modification. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based.
- C. Action on Modification Requests
 - 1. At a public meeting, and after review and recommendation by the Planning Commission, the Board shall review the request to determine if the literal compliance with any mandatory provision of this Ordinance is demonstrated by the applicant to exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

2. The applicant shall demonstrate that an alternative proposal will allow for equal or better results and represents the minimum modification necessary. If the Board determines that the applicant has met his burden, it may grant a modification from the literal compliance with the terms of this Ordinance.
3. In granting modifications, the Board may impose such conditions as will, in its judgment; secure the objectives and purposes of this Ordinance.
4. When a modification is granted with conditions, a statement of the approved modification including the imposed condition(s) shall be provided on the final plan to be recorded.

ARTICLE IV

PLAN REQUIREMENTS

Section 401 Sketch Plan Requirements

The Sketch Plan for a subdivision or land development may be a free-hand drawing and need not be drawn to exact scale nor are precise dimensions required. The Sketch Plan will be required to show the following:

- A. Name and address of landowner and equitable owner, name of municipality, title, north arrow, date and approximate scale.
- B. Existing parcel boundaries.
- C. Location map showing relation of the land development to the surrounding area and community.
- D. Existing and proposed streets, easements and rights-of-way.
- E. Proposed general lot layout.
- F. Number of acres in the parcel, average lot size, approximate number of lots, anticipated type of development.
- G. All public reservations such as schools, parks, etc.
- H. Topography or sketch showing existing drainage patterns and slope directions.
- I. Flood-prone and flood plain areas.
- J. Tax Map(s) and Parcel Identification Number(s).

Section 402 Preliminary Plan Requirements

- A. The Preliminary Plan of a proposed subdivision or land development shall be clearly and legibly drawn on one (1) or more sheets uniformly measuring 24" x 36" at a scale no less than one (1) inch equals one hundred (100) feet.
- B. If the Preliminary Plan requires more than one (1) sheet, a key diagram illustrating relative location of the several sections shall be drawn on each sheet.
- C. The Preliminary Plan shall include the following existing features and data:

1. Name and address of owner.
2. Name of developer if different from owner.
3. Name of the proposed subdivision or land development plan.
4. Tax Map(s) and Parcel Number(s) of the subject property and all adjoining properties.
5. Name of the municipality or municipalities within which the subdivision or land development is proposed.
6. Names of all adjoining subdivisions and land developments, if any, and the names of owners of all adjacent land.
7. Name, address, and seal of the registered surveyor, or professional engineer, or landscape architect responsible for the subdivision or land development plan. The registered surveyor shall sign a statement attesting to the accuracy of the survey.
8. North point, graphic scale, written scale, and date including the month, day and year that the original drawing was completed, including the date(s) of any revisions.
9. A location map, for the purpose of locating the parcel(s) being subdivided, drawn at a scale not smaller than one (1) inch equals two thousand (2,000) feet and showing the relationship of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, and municipal boundaries, within one (1) mile of any part of the property.
10. Total boundaries of the parcel(s) being subdivided or developed showing bearings and distances and existing corner and line monuments.
11. The zoning district or districts, if applicable, within which the proposed subdivision or land development is located.
12. All existing buildings or other structures within the proposed subdivision or land development.
13. All existing streets on or within two hundred (200) feet of the subject parcel, including names, rights-of-way widths, and cartway widths.
14. All existing sewer lines, septic systems, storm sewers, water lines, wells, fire hydrants, utility transmission lines, culverts, bridges, railroads, and other man-made features within the parcel on which the subdivision or land development is proposed, and immediately adjacent to that parcel.
15. Location, width, and purpose of existing easements and utility rights-of-way within the parcel on which the subdivision or land development is proposed.

16. Contour lines at vertical intervals of not more than two (2) feet for land with an average natural slope of five (5) percent or less, and at intervals of not more than five (5) feet for land with an average natural slope exceeding five (5) percent. Contours plotted from the United States Geological Survey may only be used for subdivision or land development plans of no more than five (5) lots which require no new streets or other public improvements. Contour data is not required beyond two hundred (200) feet of the proposed lots within remaining land which exceeds ten (10) acres.
17. Datum to which contour elevations refer.
18. A signature block for the York County Planning Commission indicating completed review of the proposed plan.
19. The plan must be signed by all of the owners of the land sought to be subdivided or developed and contain a notarized statement to the effect that the applicants are all the owners of the land proposed to be subdivided or developed and that the subdivision or land development shown on the plan is made with his, her or their free consent. In the event that a subdivision proposes to convey a lot to an adjacent parcel of another owner, then another signature block, signed by all owners of the land to which the lot is being conveyed, shall be placed on the plan.
20. A signature block for the Heidelberg Township Planning Commission indicating a completed review of the proposed plan.
21. A signature block for the Heidelberg Township Board of Supervisors indicating a completed review and approval of the proposed plan.
22. Significant natural features including, but not limited to, flood plains, wetlands, ponds and lakes, rock outcrops, wooded areas and trees of greater than eight (8) inches in caliper. Flood plain information referenced by the Federal Emergency Management Agency (FEMA), displaying the bounds of the 100 year flood plain and floodway.
23. The point of access of driveways and access drives on all lots.
24. Clear sight triangles at each street, driveway and access drive intersections.
25. A separate existing conditions plan shall be submitted for all plans, in addition to other subsequent plan sheets and required information. The existing conditions plan shall show and label all natural and manmade features, with a note indicating which features are to remain or to be removed.

D. The full plan of proposed development, including:

1. Location, name, cartway width, and right-of-way width of all proposed streets.
2. Typical cross-sections for proposed streets showing construction materials and specifications. Centerline profiles for each proposed street showing complete vertical geometry including lengths of vertical curves, grades and centerlines of intersecting streets and existing centerline grades and grading cross sections.
3. Location, width, and purpose of proposed easements and utility rights-of-way.
4. Building setback lines along each street and property line.
5. The intended use of all non-residential lots.
6. A lot number for each lot, a statement of the total number of lots, and the net and gross lot size in square feet and acres for each lot. Land which has been previously subdivided shall be numbered consecutively and shall not contain the same lot numbers used in the prior subdivision.
7. Storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.
8. Sanitary sewer lines and water mains, with the size and material of each indicated, and the location of the proposed laterals.
9. Parks, playgrounds, reserved open space and other areas dedicated or reserved for public or common use, with any conditions governing such use.
10. If the developer proposes to impose restrictions on future lot owners by deed restrictions, or covenants, the text of such provisions shall be shown on the plan, or shall accompany the plan if such text is too lengthy to be placed on the plan.
11. A contour grading plan.
12. Table of site and development data including statements of the gross and net acreage of the entire parcel, proposed use of the property, development density, lot coverage, number of proposed lots, proposed minimum lot size, lineal feet of new streets proposed, off street parking requirements, and proposed type of sewage disposal and water supply, i.e., on-lot or public. If the property is proposed to be used for residential purposes, the number and type of proposed dwelling units shall also be listed.
13. Proposed location of wells, proposed location of on-lot sewage disposal and replacement systems, and the location of percolation test holes and soil probe pits. All soil percolation tests performed shall be indicated as passed or failed.

14. In the case of subdivisions to be developed in phases, over a period of time, a map delineating each phase of the proposed subdivision consecutively numbered so as to illustrate phasing of development and a schedule indicating the approximate time for which application for final approval of each phase is intended to be filed.
15. A statement on the plan identifying all modifications, conditional use approvals, variances or special exceptions which have been granted, submitted or applied for from the Township shall be provided on the plan, including the date(s) when such modifications, conditional use approvals, variances or special exceptions were granted, where applicable.
16. Preliminary engineering designs of all bridges and culverts which are proposed for improvement, expansion or construction.
17. A letter from the Township Engineer indicating the date of the engineering review of the plan and stating any issues of concern or compliance with regard to Township regulations and design standards.

E. The Preliminary Plan shall be accompanied by the following supplemental data where applicable:

1. Application for Consideration of a Subdivision or Land Development Plan.
2. Filing fees.
3. A storm water management plan in accordance with the Heidelberg Township Storm Water Management Ordinance. The storm water management plan must be submitted to the Township Engineer for his/her approval. The developer shall contact the Municipality's Engineer prior to the preparation of any plan in order to consult on plan requirements, design criteria, methods and controls applicable to the particular project.
4. When sewage disposal service to the proposed subdivision or land development is to be provided by an existing public system, the applicant shall submit one (1) copy of a letter from the agency, authority or utility which agrees to provide sewer service subject to the execution of a service agreement.
5. Proof, in the form of a letter or other official form of correspondence from DEP or the municipal Sewage Enforcement Officer, that a PA DEP Sewage Facilities Planning Module for Land Development has been submitted as required by the PA DEP.
6. When water service is to be provided by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility, a letter from the water supplier stating that capacity exists to serve the proposed subdivision or land development is required. If the plan proposes three

- (3) or more dwelling units or any nonresidential use, a Water Feasibility Report in accordance with this Article is required
7. Where the land included in the proposed subdivision or land development plan has an electric transmission line, a gas pipeline, or a petroleum or petroleum product transmission line located within the parcel, the plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating all conditions on the use of the land and the minimum building setback or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement which shall contain the above data.
 8. In the event that the plan proposes the use of utilities or other services extending from another municipality, a statement or certificate indicating that the proposal has been reviewed by that municipality or appropriate authority.
 9. A plan for the control of erosion and sedimentation as required by the York County Conservation District.
 10. An agreement that the applicant will install all underground utilities (if required) before paving streets or constructing sidewalks.
 11. If the subdivision or land development includes hydric soils, the applicant shall submit a wetlands determination performed by a professional soil scientist or other qualified individual in accordance with the 1989, "Federal Manual for Identifying and Delineating Wetlands." If the subdivision or land development includes wetlands, copies of permits for the proposed activity within the wetlands from the U.S. Army Corps of Engineers and the York County Conservation District shall be submitted.
 12. A Traffic Impact Study in accordance with this Article.
 13. Other certificates as required.

SECTION 403 Feasibility Report on Water Facilities

For any subdivision or land development plan, initially or cumulatively involving three (3) or more dwelling units, or any non-residential use, and proposing the use of an on-site water supply system, the developer shall submit a feasibility report concerning the availability and adaptability of water facilities in or near the proposed subdivision or land development. Said report shall be prepared by a Professional Engineer with expertise in hydrology, soils, and geology, and shall be submitted in conjunction with the Preliminary Plan for review by Heidelberg Township. The Feasibility Report shall consist of an examination of the possible use of an on-site water supply system(s) and the impact of such system(s) on ground water supplies during average, seasonal and drought conditions. The Board of Supervisors will approve on-site water supply systems only when the Feasibility Report indicates, as certified by a Professional Engineer, that the project necessitates consideration of this method; the water supply yield is adequate for the

development proposed; and, the installation and use of such system(s) will not endanger or decrease groundwater supplies of properties adjacent to the proposed development.

SECTION 404 Erosion and Sedimentation Control Plan

All subdivision or land development plans, regardless of size, shall address erosion and sedimentation control (E & SC) with respect to any earth disturbance. All E & SC Plans shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which may contribute to erosion and sedimentation in connection with the land development. The Plan shall also contain any additional information as required by Chapter 102 of Title 25 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection (Chapter 102).

The following criteria shall be used to determine the type of and extent of the E & SC Plan:

- A. Earth disturbance less than 5,000 sq. ft. will require implementation and maintenance of erosion control measures until the site is permanently stabilized.
- B. Earth disturbance of 5,000 sq. ft. to 1 acre will require a written E & SC Plan that meets the requirements of Chapter 102, and implementation and maintenance of the control measures indicated in the plan until the site is permanently stabilized.
- C. Earth disturbance of 1-5 acres over the life of the project that has point source to the surface water will require a National Pollutant Discharge Elimination Systems (NPDES) Permit, an approved E & SC Plan, and implementation and maintenance of the control measures indicated in the plan until the site is permanently stabilized.
- D. Earth disturbance of 5 acres or more over the life of the project will require a NPDES Permit, an approved E & SC Plan, and implementation and maintenance of the control measures indicated in the plan until the site is permanently stabilized.

The applicant shall submit the required E & SC Plan to Heidelberg Township and in duplicate to the York County Conservation District. Said plan shall be prepared by a person trained and experienced in E & SC methods and techniques.

SECTION 405 Traffic Impact Study

- A. A traffic impact study is required for all residential developments that contain ten (10) or more dwelling units and all non-residential developments whose building square footage equals or exceeds two thousand (2,000) square feet, whether initially or cumulatively. All applicants with developments which do not meet the above stated criteria shall, at a minimum, submit information identifying the amount of daily traffic generated by the development as well as the traffic generated at the AM, PM, and overall peak hours by the development. Such minimum analysis shall be for the purpose of assessing the impact of the application on the proposed site access, congestion and delay of specific surrounding roadways, and/or specific safety concerns.

B. The Township Engineer and any other applicable Township staff shall hold a pre-study meeting with the developer and/or the developer's engineer to review the proposed development and its potential impact on the surrounding area. On roads that are applicable, Penn Dot Officials should be consulted in accordance to the 2009 Penn Dot Transportation Impact Study Guidelines and any associated updates. At that meeting the Township staff and the developer will discuss the following study elements: study area limits; type and intensity of development; number and length/area of new roads, access drives, internal ring roads, internal access points and parking accommodations; location of site access points; any capacity, safety, or access problems previously documented for the existing roadways within the study area; anticipated completion of the development, i.e., project horizon and the peak hour of the development.

1. During this phase of the study process, Township staff may require the developer to conduct such a study for any development which will generate less than two hundred fifty (250) vehicle trips per day if it is determined by the Township staff there are severe capacity, safety, or access deficiencies on the roadways within the study area.
2. As a result of the review of the proposed development, Township staff may determine that not all of the traffic impact study elements need to be addressed. In this case, an abbreviated version, i.e., an assessment of traffic impact may be conducted. Such analysis, in the form of an executive summary, may be submitted to the Township as a technical memorandum. All study element requirements which are recommended to be waived by the Township staff must be documented in the memorandum. In any instance when an element(s) of a Traffic Impact Study which would otherwise be required is not included, the applicant shall submit a modification request with the memorandum for review and approval by Heidelberg Township.

C. Study Elements:

1. Technical Memorandum
 - a. A brief overview of the development project shall be provided.
 - b. The developer, the developer's engineer and any other parties involved in the preparation of the traffic impact study shall be noted in this memorandum.
 - c. A summary of the key findings and recommendations of the study shall be provided.
 - d. The memorandum shall serve as the executive summary of the study.
2. Introduction/Overview of the Proposed Development

- a. The following information shall be provided in this section: characteristics of the development site; the type and intensity of the development; number and length/area of new roads, access drives, internal ring roads, internal access points, and parking accommodations; location of site access points onto existing roads; and construction staging.
 - b. The geographic limits of the study area, along with a description of any features and landmarks, shall be provided.
3. Base or Existing Traffic Conditions and Analysis
- a. A description of each existing road and intersection within the study area shall be provided, and shall include right-of-way/cartway width, posted speed limits, pavement condition, and current daily traffic volume count. (Annual Average Daily Traffic (AADT). AADT counts for State roads can be obtained from the most current edition of the Penn DOT Roadway Management Information System (RMS) report.)
 - b. Intersection turning movement counts at all site access points and key road intersections shall be conducted during peak hours. The counts shall be provided on an intersection schematic diagram. Depending on the complexity of the development, at the pre-study meeting(s) the Township staff shall determine the appropriate number and the length of the peak hour periods to conduct counts.
 - c. All highway improvements that are guaranteed by either the Township or on the current York Area Metropolitan Planning Organization (YAMPO) Transportation Improvement Program (TIP) for implementation by the project horizon year shall be listed.
 - d. An inventory of existing public or private transportation services available within one mile of the site shall be made and included in the study.
 - e. A capacity analysis and a determination of levels of service on the study area's roadways and intersections, as well as the site's access points and internal circulation (if applicable) shall be conducted. The analysis shall utilize the techniques described in the most current edition of the Highway Capacity Manual, Special Report 209.
 - f. Gap or queue studies shall be conducted where applicable for unsignalized and signalized intersections, respectively.
 - g. The frequency of intersection and mid-block accidents shall be examined and hazardous locations identified. Specifically, an inventory of accidents over a three (3) year period shall be conducted, and accident clustering identified.

4. Background Traffic Growth/Future Traffic Conditions Without Development

- a. The anticipated rate of growth per year for the study area shall be determined without the proposed development. The method used to determine the growth rate must be approved by the Township staff. Information sources which may be used to calculate the growth rate are previous regional transportation planning studies, traffic impact studies done for planned or recently constructed developments within the study area, the Heidelberg Township Comprehensive Plan, the York County Comprehensive Plan, and population trend information available through the York County Planning Commission.
- b. The project horizon shall be a minimum of the estimated time frame from plan submission to total build-out of the development, including completion of all phases, plus ten (10) years.
- c. Future no-build and peak hour volumes for roads and intersections with the study area shall be calculated. Intersection schematic diagrams with the calculated volumes shall also be prepared.
- d. Capacity analysis to determine Level of Service (LOS) at critical locations shall be conducted. The analysis shall take into consideration any guaranteed road improvements as noted earlier in this Section.

5. Analysis of Future Conditions with the Proposed Development

a. Trip Generation

- (1) The total number of vehicle trips to be generated by the site shall be estimated using the following trip generation sources: Institute of Transportation Engineers (ITE) Trip Generation Manual, most current edition; ITE Transportation and Land Development manual, most current edition; or another trip generation source approved by the YCPC staff. All sources used to aid in the calculation of trip generation must be referenced in the study.
- (2) For commercial uses, if the calculation for either pass-by or diverted link trips is required, the estimates must be justified in the report, based upon the ITE Trip Generation Manual.

b. Trip Distribution

- (1) The directional characteristics of the site traffic flow shall be determined using one of the following methods: existing traffic or planning studies conducted in or in proximity to the study area, proportion of volumes on the existing roadways that abut the site; professional experience, or travel demand forecasting techniques using modeling such as the TransCAD Computer Model. The sources of information used to calculate trip distribution shall be provided in the study.
 - (2) For larger developments with proposed parking facilities, the distribution of traffic flow shall be calculated for access drives, internal ring roads, and internal reservoir access points, as well as the parking facilities specifically. Potential pedestrian circulation shall be treated in the same manner.
- c. Trip Assignment
 - (1) Vehicle trips shall be assigned to the mainline and turning movement volumes for future conditions with the development. Acceptable sources which can be used to assign the site-generated traffic are the same as mentioned earlier in this Section. The assignment shall be documented in the study text.
 - (2) Trip assignments shall be made for applicable internal vehicle and pedestrian movements.
- d. Peak Hour Volumes
 - (1) As a result of the above calculations, mainline and turning movement counts for all site access points and the existing roadway network within the study area shall be provided. Internal vehicular, and pedestrian volumes, if applicable, shall also be provided. Schematic diagrams showing these volumes shall be provided in the study text.
- e. Capacity Level of Service (LOS) Analysis
 - (1) Capacity analysis shall be performed and levels of service shall be determined on the study area roadways and intersections for future traffic conditions with the development. The analysis shall include the guaranteed improvements in the analysis for the future scenario without development. The LOS results for future build and future no-build scenarios shall be compared.
 - (2) The possibility of initiating or expanding transit (public or private) service and Transportation Demand Management (TDM) programs

such as ride-sharing within the study area shall be examined. This effort shall be coordinated with the Township and the York County Transportation Authority or an appropriate private transportation provider.

- (3) In the event that the analysis indicates unsatisfactory levels of service will occur on study area roadways, a description of improvements required to remedy deficiencies shall be included in this section. The levels of service shall not deteriorate to worse than C if they are currently A or B, must be maintained if they are C, and improved to C if they are D, E, or F. In addition, there shall be no increase in delay if a satisfactory level of service cannot be attained. These improvements shall not include committed road projects by the state and local jurisdictions that were described earlier in this Section. These improvements including traffic mitigation benefits of transit and TDM improvement measures shall be tested to insure the above LOS results are achieved.

6. Transportation Development Improvements

- a. Improvements to remedy deficiencies evident on the study area roadways and intersections shall be described by the developer or the developer's engineer, including those deficiencies and associated remedies called for by the Commonwealth's Department of Transportation. A description including cost and probable funding of these improvements, accompanied by schematic layouts, shall be provided in the text. The developer shall consult with the Township regarding the identified deficiencies and improvements and shall prepare an agreement to effect the improvements. This agreement shall be in a form acceptable to the Township's Solicitor and approved by the Township.
- b. The same procedure shall be followed if deficiencies or potential hazards are evident for internal traffic and pedestrian circulation.
- c) At the sole discretion of the Township, the applicant may enter into an agreement with the Township setting forth that a contribution is to be made in lieu of the applicant's construction of the roadway improvements that are the responsibility of the applicant. All such agreements shall be in a form satisfactory to the Township Solicitor.

7. Contribution in Lieu of Preparation of Studies. If an applicant believes that the preparation of the traffic impact study and report required herein is not warranted, he/she may request the Board to waive the preparation of such study.

- a. The applicant for approval of any residential subdivision or land development shall provide the Township with a certification of the number

and type of dwelling units to be constructed for the purpose of determining the contribution in lieu of preparation of studies.

- b. The applicant for approval of any commercial, industrial or institutional subdivision or land development shall provide the Township with a certification of the usable building floor area to be constructed for the purpose of determining the contribution in lieu of preparation of studies.
- c. The applicant shall enter into an agreement with the Township setting forth the contribution in lieu of preparation of studies to be paid and the studies to be waived by the Township. All such agreements shall be in a form satisfactory to the Township Solicitor.
- d. All contributions in lieu of preparations of fees shall be paid prior to approval of the final plan by the Township Supervisors.
- e. All developments receiving a modification of preparation of a traffic impact study in accordance with this section shall provide, as a minimum, information identifying the amount of daily traffic generated by the development as well as the traffic generated at the AM, PM, and overall peak hours by the development.

SECTION 406 Final Plan Requirements

- A. The Final Plan of a proposed subdivision or land development shall conform to the standards and data requirements set forth for Preliminary Plans in this Ordinance.
- B. It shall not be necessary to resubmit supporting maps and data submitted with the Preliminary Plan provided that no change has occurred.
- C. The following additional data shall be illustrated on the Final Plan:
 - 1. The latest source of title to the land as shown by the deed, page number and book of the County Recorder of Deeds, including the tax map and identification number of the area within the proposed subdivision or land development.
 - 2. For all street rights-of-way and property lines, dimensions, bearings or deflection angles of all straight lines, and radii, arcs and central angles of all curves. Dimensions shall be in feet and hundredths of a foot. Bearings shall be in degrees, minutes and seconds for all street rights-of-way, access drives and property lines. The location, bearing and length of every proposed property line shall be based upon survey data and shall be certified to the same by the surveyor responsible for the plan. The remaining acreage of parcels larger than ten (10) acres from which lots are being subdivided may be drawn by deed plotting.

3. A signed statement by a registered surveyor that the description is based upon a survey and does not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
4. Clear sight triangles at each street, driveway, and access drive intersection.
5. Offer of dedication of land for the widening of existing streets and the location of the future right-of-way line for existing streets.
6. Primary control points, or descriptions and ties to such control points, to which all dimensions, angles, bearings, and similar data on the plan refer.
7. Location of permanent reference monuments and markers.
8. In the case of a property which abuts a State road, the following statement: "A Highway Occupancy Permit (HOP) 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." All HOP applications, excluding those for residential driveways, require a "Review of Awareness" by the York County Planning Commission Transportation Department prior to its submittal to the Pennsylvania Department of Transportation (PENNDOT). Verification is required prior to final plan approval that the HOP has been approved by PENNDOT; and, the Permit number is required to be placed on the plan.
9. The proposed building setback lines and placement of each building and structure.
10. All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan. Easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.
11. Final engineering designs of all bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP) - Division of Dams and Encroachment and the Pennsylvania Department of Transportation.
12. Such private deed restrictions as may be imposed upon the property as a condition of sale, together with a statement of all restrictions previously imposed which may affect the title to the land being subdivided or developed.
13. Space shall be left along the lower edge of the sheet, in order that the York County Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.

14. The plan must be signed by all of the owners of the land sought to be subdivided or developed and contain a notarized statement to the effect that the applicants are all the owners of the land proposed to be subdivided or developed and that the subdivision or land development shown on the plan is made with his, her or their free consent. In the event that a subdivision proposes to convey a lot to an adjacent parcel of another owner, then another signature block, signed by all owners of the land to which the lot is being conveyed, shall be placed on the plan.
 15. A signature block for the Heidelberg Township Board of Supervisors indicating a completed review and approval of the proposed plan.
 16. A signature block for the York County Planning Commission indicating review of the proposed plan.
- D. Additional Final Plan Requirements for a Land Development: In addition to the requirements of Section 406. A, B & C, the Final Plan for a land development involving either multi-family dwellings, commercial, industrial or other nonresidential uses shall show the following:
1. Location and general exterior dimensions of principal and accessory buildings.
 2. Location and dimensions of vehicular entrances, exits, access drives, access barriers, acceleration and deceleration lanes.
 3. Location, arrangement and dimensions of parking spaces, width of aisles, width of bays, and angle of parking. The total area of the parking lot shall be noted.
 4. Location and dimensions of pedestrian entrances, exits, and walks.
 5. Location, arrangement and dimensions of truck loading and unloading spaces and docks.
 6. Location, dimensions and materials of walls, fences, buffers, screen plantings and landscaped areas.
 7. Location and dimensions of unenclosed storage areas and screening (if applicable).
 8. Location, size, height and orientation of all signs other than signs attached flush to building facades.
 9. Location and dimensions of all other proposed facilities and structures.
 10. Finished grades, slopes, and banks.
 11. The phases, if any, to be followed in the construction of the land development.

E. The Final Plan for all developments shall be accompanied by the following supplemental data where applicable:

1. Application for Consideration of a Subdivision or Land Development Plan.
2. Filing fee, recording fee, and recreation fee.
3. Plans showing:
 - a. Location, size and invert elevation of all sanitary sewer, water distribution and storm drainage systems and the location of all manholes, inlets and culverts;
 - b. Final profiles, cross-sections, and specifications for proposed streets, sanitary sewers, water distribution systems, and storm drainage systems shall each be shown on one (1) or more separate sheets.
4. Corrected and updated from the Preliminary Plan, all detailed drawings and specifications for improvements.
5. Documentation from the Sewage Enforcement Officer that each lot has been approved for on-lot sewage systems (where applicable).
6. A copy of the approved Pennsylvania Department of Environmental Protection Sewage Facilities Planning Module (where applicable).
7. Offers of dedication or reservation of land for public purposes including a legal description of all areas offered for dedication.
8. When an agency, authority or utility providing sewer or water service to the subdivision or land development has approval authority under its own jurisdiction, a letter which indicates that the plans meet the relevant agency, authority or utility specifications shall be submitted.
9. A plan for the control of erosion and sedimentation as required by the York County Conservation District. A letter of approval from the York County Conservation District indicating concurrence with the proposed method of controlling sedimentation and erosion must be submitted.
10. A letter from the Heidelberg Township Board of Supervisors and Township Planning Commission, where applicable, indicating their review of the proposed plan stating any issues that may be of concern.
11. Copies of all required permits, or pending applications for such permits, and related documentation from the PA DEP, and any other agency, where any

alteration or relocation of a stream, wetland 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.

12. Copies of all required permits, or pending applications for such permits, and related documentation from the PA Department of Transportation (Penn DOT) where access to any state highway is required as part of the proposed development.
13. Copies of all maintenance and homeowners' agreements. The municipal solicitor shall be provided the opportunity to review the agreements that establish a planned community or otherwise impose benefits or burdens upon the lots or individual units in the subdivision or land development. The review shall be for the purpose of ensuring the health, safety, and welfare of all residents of the municipality as well as the protection of present and future owners.
14. Certification from the Township Engineer that the developer has installed all improvements to the specifications of this Ordinance or certification from the Township Solicitor that the developer has posted an improvement bond or other accepted security in an amount sufficient to assure completion of all improvements.
15. A Traffic Impact Study in accordance with this Article.

ARTICLE V

DESIGN STANDARDS

Section 501 Application of Standards

- A. The following design principles, standards and requirements will be applied by Heidelberg Township in evaluating all plans for proposed subdivisions and land developments.
- B. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, and general welfare.
- C. Whenever provisions of this ordinance conflict with the provisions of other ordinances and regulations, the most restrictive provisions shall apply.

Section 502 General Design Standards for Improvement in Designated Floodplain Areas

- A. Where a subdivision or land development lies partially or completely within any identified floodplain area, or where proposed development activities border on any such area, the plan must include the delineation of the floodway and the floodplain area. The delineation shall be based on the Flood Insurance Rate Map (FIRM), the Flood Hazard Boundary Map (FHBM), or the Floodway Map issued by the National Flood Insurance Program for the municipality. If provided on the aforementioned Maps, the flood elevations are required to be indicated on the plan.
- B. A plan note that the floodplain shall be kept free of structures, fill, and other encroachments shall be included on the plan.
- C. A plan note that floor elevations for all structures adjacent to the floodplain shall be above the one hundred (100) year flood elevation.

Section 503 Street Systems-General

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

- A. Proposed streets shall be planned with regard to the existing street system, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic,

existing and proposed use of land on abutting properties and future development extensions of the street system.

- B. The arrangement of streets shall provide for continuation of existing or platted streets and for proper access to adjoining undeveloped parcels suitable for future development. To further promote street system connectivity, gated entry subdivisions shall not be allowed.
- C. Streets shall be laid out with regard to topography so as to produce satisfactory drainage, access to all lots, and grades which are in compliance with this ordinance's design criteria.
- D. The finished elevation of proposed streets shall not be more than one (1) foot below the Regulatory Flood Elevation. Profiles and elevations of streets must be submitted with plans to ensure compliance with the requirements. Drainage openings shall be sufficient to discharge flood flows without increasing flood heights.
- E. The streets must be located and built with regard to the proposed traffic functions, including the minimization of through-traffic on minor streets and the protection of major streets from excessive access points. Local streets shall be laid out with narrow cartways, short lengths, and other features to discourage excessive speeds. The function of major streets shall be protected through the use of techniques such as marginal access streets, reverse frontage lots, rear service drives, and other access management techniques.
- F. New project street systems, platted adjacent to an existing street system, shall not only connect back to the existing local access streets but shall also connect with or be designed to connect with streets of a higher classification
- G. New project street systems shall not be stubbed or designed with right-of-way adjacent to a farm that is protected through any private, York County, or Commonwealth of Pennsylvania farm conservation easement or program, unless such right-of-way is required by the Heidelberg Township Official Map, if applicable.
- H. If lots resulting from original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided, adequate rights-of-way for streets and other required improvements shall be provided as necessary to permit further subdivision.
- I. Curvilinear streets shall be utilized only where topography and natural features dictate them on the site, and where their use will be consistent with adjoining development patterns. Curvilinear streets shall not be used immediately adjacent to an existing grid street system without providing a transition that continues and blends with the grid.

Streets shall be designed with drainage grates that are safe for crossing by bicycles.

- J. As a minimum, all new streets shall be graded to the right-of-way line. All cut and fill slopes associated with the construction of the streets, within or beyond the limits of the street right-of-way, shall not exceed a maximum of a 3:1 slope.

- K. The design speed and proposed speed limits for new streets shall be noted on the plan and shall be approved by the Township.
- L. The use of permeable pavement is encouraged on sidewalks, plazas, driveways and parking lots. Permeable pavement shall not be located on industrial sites, fueling stations, sites with expansive soils or high depth to bedrock, areas draining to the permeable pavement greater than two (2) acres, areas where the water table is less than two (2) feet below the bottom of the pavement base and less than one hundred (100) feet from water supply wells.
- M. The arrangement, character, extent, width, grade, and location of all streets and highways must conform to the Heidelberg Township Comprehensive Plan, the Heidelberg Township Official Map, and to the York County Comprehensive Plan.
- O. Streets shall be designed to preclude or minimize the need for guide rail. The Township may, however, require guide rail to be placed for protection on embankments when a barrier is indicated as warranted in Design Manual Part 2 Highway Design by PennDOT, January 1990 edition, as amended.

Section 504 Street Design

- A. Width: Minimum widths for all streets shall be as follows:

<u>Classification</u>	<u>Minimum Right-of-Way Width</u>	<u>Minimum Cartway Width</u>
Minor Arterial Street	80 feet	40 feet
Collector Street	60 feet	36 feet
Minor or Local Street (No parking)	50 feet	24 feet
Minor or Local Street (Parking on 1 or both sides)	50 feet	28 feet
<u>Service Street or Alley</u>	24 feet	24 feet

- B. Paved and marked bicycle/pedestrian lanes shall be provided at widths ranging from four (4) feet to eight (8) feet as required at the sole discretion of the Board of Supervisors.
- C. Existing frontage along a Street of Improper Cartway or Right-of-Way Width: Where a subdivision or land development abuts an existing public road of improper cartway or right-of-way width, the developer shall improve the cartway and/or dedicate additional right-of-way to the required width(s) along development site's road frontage in accordance with the standards above. Where uncertainty exists as to the road classification, it shall be as specified in the Township's Comprehensive Plan or other

official document. In the case that road classification is not specified in any official Township document, the road classification shall be as specified in the County's Comprehensive Plan.

- D. **Dead-End Streets:** Dead-end streets shall be prohibited, except when designed as temporary cul-de-sac streets by the developer in order to permit future street extensions into adjoining parcels. They must be constructed to the same standards as cul-de-sac streets, minus the curbing requirements at the terminus of the cul-de-sac. The turnaround is to be removed by the developer when extending the existing street.
- E. **Cul-de-sac Streets:** All Cul-de-sac streets, including cul-de-loop and "P" streets, shall meet with the following minimum standards:
 - 1. Cul-de-sac streets, and cul-de-loop and "P" streets, shall have a minimum length of two hundred fifty (250) feet and a maximum length of six hundred (600) feet. The length of a cul-de-sac street shall be measured from the center of the turnaround to the point of intersection of the centerline of the cul-de-sac street and the right-of-way line of the intersecting through street. The length of a cul-de-loop or "P" street shall be measured along the street's entire length from the point at which such street reconnects with its main axis to its intersection with the right-of-way line of the intersecting through street.
 - 2. The development proposed which is to be served by the street shall not generate in excess of two hundred and fifty (250) Average Daily Vehicle Trips as indicated for the type of land use proposed in the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. If more than one cul-de-sac, cul-de-loop or "P" street intersects, both the length of such streets, as measured in Subsection 1. above, and the number of Average Daily Vehicle Trips shall be measured cumulatively.
 - 3. Cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided with a snow removal easement with both a width and depth of twenty (20) feet located at the terminus of the cul-de-sac street for plowed snow during the winter months. The easement shall be grassed and maintained by the owner of the lot on which the easement is located. The easement shall be designed to collect and convey any storm water to the storm water system to prevent a maintenance problem with the refreezing of melted snow on the cul-de-sac street. No obstructions of any kind, which shall include driveways and utility pedestals, shall be placed in the easement area. All driveways shall be set back at least ten (10) feet from a snow easement.
- F. **Alleys:** The use of alleys shall be limited to providing a secondary means of access to the side or rear of those lots with street frontage and shall be designed to discourage through traffic.

G. Private Streets: New private streets shall be permitted only when such new private streets conform to the specifications and requirements of minor or local streets as specified in this Ordinance. Plans which propose a new private street shall be accompanied by an agreement which shall be approved by the Township Solicitor and be recorded with the York County Recorder of Deeds as part of the Final Plan. This agreement shall establish the conditions under which the new private street will be constructed and maintained. The agreement shall stipulate the following:

1. Identification of the person responsible for the private street.
2. Assurance in the form of a letter of credit, or other financial security authorized by the Municipalities Planning Code and acceptable to the Board and/or the Authority in an amount equal to one hundred ten (110) percent of the estimated cost of the required improvements estimated for a time ninety (90) days following the date scheduled for completion of the respective improvements by the developer that the street shall be constructed in conformance with the specifications of this Ordinance.
3. The method of assessing maintenance and repair cost.
4. Provision for enforcing the agreement upon all parties of the agreement.

H. Horizontal Curves: Where connecting street lines deflect from each other at any one (1) point, the lines must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be as follows:

<u>Type of Street</u>	<u>Minimum Radius</u>
Minor Arterial	500 feet
Collector	300 feet
Minor or Local	175 feet

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

Proper sight distance must be provided with respect to horizontal alignment to permit the following minimum sight distances:

<u>Design Speed (Miles per Hour)</u>	<u>Minimum Required Sight Distance</u>
60 mph	525 feet
55 mph	450 feet
50 mph	400 feet
45 mph	325 feet
40 mph	275 feet
35 mph	225 feet
30 mph	200 feet
25 mph	150 feet
20 mph	125 feet

Sight distance shall be measured along the center line from height of eye (3.5 feet) to height of object on roadway (0.5 feet).

- I. Vertical Curves: Changes in grade in excess of one percent (1%) shall be joined by vertical curves. Vertical curvature design specifications shall be those found in the AASHTO (American Association of State Highway and Transportation Officials) Green Book, Chapter 3. Proper sight distance must be provided with respect to vertical alignment to permit the following minimum sight distances:

<u>Design Speed (Miles per Hour)</u>	<u>Minimum Required Sight Distance</u>	
	<u>Crest</u>	<u>Sag</u>
60 mph	190 feet	120 feet
50 mph	110 feet	90 feet
40 mph	60 feet	60 feet
35 mph	46 feet	49 feet

30 mph	30 feet	40 feet
25 mph	16 feet	26 feet

Sight distance shall be measured along the centerline, from height of eye (3.5 feet) to height of object on roadway (0.5 feet).

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

	<u>Minimum Grade</u>	<u>Maximum Grade</u>
Minor Arterial Street	.5%	6%
Collector Street	.5%	7%
Minor or Local Street	.5%	12%
Service street or Alley	.5%	12%

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

In all grades exceeding one percent (1%), vertical curves must be used and designed for required sight distance. PENNDOT standards shall be used for State roads.

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

- L. Slope of Banks: Measured perpendicular to the street centerline, the slope of banks shall not exceed:

1. For fills – 3 (horizontal) to 1 (vertical).
2. For cuts – 2 (horizontal) to 1 (vertical).

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

Section 505 Intersection Design

- A. Angle of Intersections: Intersections must be at right angles.

- B. Intersection Grades: Where the grade exceeds seven percent (7%), the approaches to the intersection must have a minimum length of fifty (50) feet (measured from the intersection of the centerlines) within which no grade may exceed a maximum of four percent (4%).
- C. Intersection Curve Radii: Design of curb or edge of pavement must take into account such conditions as types of turning vehicles, likely speeds of traffic, angle of turn, number of lanes, and whether parking is permitted; however, curb or edge of pavement radii must not be less than the following:

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

Three-centered compound curves equivalent to the above minimum simple curves are permitted. The Township may require larger radii based on the largest design vehicle using the intersection.

- D. Clear Sight Triangles: Proper sight clearance must be maintained at all street intersections, and shall be shown on all subdivision and land development plans. Measured along the centerline of each street, there shall be a clear sight triangle with sides as follows:

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

Within such triangles, no structure, grading, or landscaping greater than three (3) feet in height that would obscure the vision of a motorist shall exist or be placed.

- E. **Safe Stopping Sight Distance (SSSD):** Adequate safe stopping sight distance must be provided at each street, access drive, or driveway intersection with a street. The required and proposed SSSD at each intersection must be indicated on all subdivision and land development plans, both for proposed and existing intersections. The SSSD at each proposed intersection must meet the distances found in PA Code Title 67, Chapter 441.
- F. **Street Intersections:** The distance between street intersections shall be in accordance with the following:

	TYPE OF INTERSECTION				
	Minor Arterial with Arterial	Minor Arterial with Collector or with Minor/Local Collector	Collector with Minor/Local	Minor/Local with Minor/Local	
Minimum Distance Between Centerlines of Intersections	800 feet	800 feet	400 feet	400 feet	400 feet

- G. **Multiple Intersections:** Intersections involving the junction of more than two (2) streets shall not be permitted.

Section 506 Street Construction

- A. Streets must be surfaced and paved to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the applicant and approved by the Township.
- B. Before paving the street surface, the applicant shall install required utilities, including sanitary sewers, and provide, where necessary, adequate subsurface drainage for the streets, as acceptable to the Township Engineer.
- C. The pavement base and wearing surface must be constructed according to the following standards so long as they meet or exceed the most recent PENNDOT Specifications:

Base Course	Paved Surface
6" 2A Stone, Superpave Base Course, PG 64-22, 0.0/0.3 ESALs, 19.0 mm or 25.0 mm mix, 5" depth	Superpave Wearing Course, PG 64-22, 0.0/0.3 ESALs 1.5" of 9.5 mm mix

*Note: All depths in the table above represent compacted depths of material

1. At the sole discretion of the Township, collector streets, which are determined to convey traffic such that the ESAL count exceeds 0.3 million, shall be constructed or reconstructed with a mix in accordance with Penn DOT standards for the applicable ESAL count.
2. Appropriate Skid Resistance Levels (SRLs) for the subject street(s) shall be in accordance with Skid Resistance Level (SRL) Determination standards required by Penn DOT based on Average Daily Traffic (ADT) counts on the subject street(s).
3. All crushed aggregate base material shall be put in place by a powered spreader.

Section 507 Curbs, Gutters, and Walkways

Heidelberg Township shall require installation of curbs, gutters, and walkways (trails, paths, sidewalks) in any land development where the evidence indicates that such improvements are necessary to ensure the health, safety, and welfare of the municipality's residents. Curbs, gutters and trails, paths, or sidewalks shall be installed according to the following specifications:

- A. Curbs and Gutters: Curbs and gutters shall be required along new streets and along existing streets as determined needed by the Township to control storm water runoff, prevent road edge or surface deterioration, and/or public safety. On minor or local streets, slant curb, rolled curb, or vertical curb may be used. On collector or minor arterial streets, only vertical curb shall be used. The transition from one (1) type of curb to another shall be effected only at a street intersection. All vertical and rolled curbs and associated gutters shall be designed and constructed consistent with Penn DOT Publication 408.
- B. Walkways: Walkways in the form of trails, paths, or sidewalks shall be required in all Residential and Commercial Zones as designated in the Township Zoning Ordinance to provide adequate pedestrian circulation as an alternative to vehicular travel as follows:
 1. On both sides of the street within subdivisions or on the street frontage of single street frontage developments with an average lot width of ninety (90) feet or less, walkways shall be installed.
 2. For any development that all or part of which is within five hundred (500) feet of existing sidewalk.
 3. For any development that all or part of which is within five hundred (500) feet of commercial centers or establishments, or recreational or community facilities

(other than those noted below) when the Township Board of Supervisors determines that there is reasonable grounds to believe that, because of nearby existing, proposed, or contemplated (through zoning) residential, commercial, institutional, or other kinds of development, pedestrian traffic will be generated to and from the establishment or facility in an amount that walkways are needed to properly and safely provide access.

4. For any development that all or part of which is within two thousand (2000) feet of parkland.
5. For any development that all or part of which is within twenty five hundred (2500) feet of an existing or proposed school.
6. For all major subdivisions within the Residential zoning district, concrete sidewalks shall be provided and shall be constructed according to the specifications listed in number 8 below.
7. Width and Location: All walkways shall have a surface that is a minimum of four (4) feet in width. However, in cases where an extension of, or connection to, an existing walkway of lesser or greater width is proposed, the new walkway shall taper to meet the existing walkway. Such taper shall begin and end within five (5) feet of the existing walk. All walkways must commence one (1) foot inside the right-of-way line and extend toward the curb line. A grass planting strip not less than two (2) feet in width shall be provided between the curb or roadway edge and the walkway.
8. Construction Specifications:
 - a. Sidewalks shall be constructed of concrete and be four (4) inches thick, unless under a driveway, in which case a thickness of six (6) inches is required. Upon a properly prepared subgrade, four (4) inches of Penn DOT 2B crushed stone shall be properly compacted using a mechanical tamper. The minimum bearing strength of the stone subgrade shall be two thousand (2,000) pounds per square inch. Upon the crushed stone, the sidewalks shall be constructed by putting concrete in separate slabs thirty (30) feet in length. The slabs shall be completely separated by one-quarter (¼) inch expansion joints and scored every five (5) feet.
 - b. Paths and trails shall be constructed of either concrete or asphalt at specifications, bearing strength, and methods equivalent to those for sidewalks above.
 - c. Handicapped accessible sidewalk construction specifications shall match those called for by the latest Americans with Disabilities Act (ADA) standards, as amended.

- C. Interior walkways shall be provided where necessary to ensure pedestrian access to open space and recreation areas, and connection to all areas of a development and surrounding pedestrian systems whether existing or proposed. Such walkways must have a right-of-way of no less than ten (10) feet in width and a paved walk surface of no less than four (4) feet in width. The paving material shall be concrete or asphalt as described above. Interior walkways and any associated right-of-way shall be shown in detail as to location, dimension and to scale on any subdivision and/or land development plan for which such walkways are proposed. Such walkways may have a maximum right-of-way of twenty (20) feet, which may also be used as a utility easement.

Section 508 Other Street Provisions

- A. Dead-End Service Drives or Alleys: Where existing service drives or alleys dead end, they must be provided with a paved turnaround with a minimum diameter of eighty (80) feet or a paved "T" turnaround of a minimum width of ten (10) feet and a minimum length of twenty (20) feet.
- B. Access: Streets shall be laid out to provide access to all lots and to adjacent undeveloped areas, and the developer shall improve these streets to the limits of the development.
- C. Reserve Strips: Controlling access to the development or to adjacent areas by means of reserve strips is prohibited.

Section 509 Minimum Site Access Requirements

All land development plans containing twenty-five (25) or more dwelling units, or non-residential buildings, containing twenty-five thousand (25,000), or greater, square feet of gross floor area shall be provided with at least two (2) access drives.

Section 510 Driveways and Access Drives

- A. Driveways:
1. Within ten (10) feet of the street right-of-way, driveways may not exceed twenty (20) feet in width
 2. The number of driveways may not exceed two (2) per lot.
 3. Driveways may not enter a public street:
 - a. Within forty (40) feet of the street right-of-way line of any intersecting street.
 - b. Within ten (10) feet of a fire hydrant.

- c. Within five (5) feet of an adjoining property line.
 - d. Within twenty five (25) feet of another driveway on the same lot.
4. A driveway must be located in safe relationship to sight distance and barriers to vision. The safe stopping sight distance (SSSD) at each driveway shall not be less than the distances found in PA Code Title 67, Chapter 441.
 5. A fifty (50) foot clear sight triangle shall also be provided for each driveway and shall be indicated on the plan. The triangle is measured as follows: along the centerline of the driveway from where it meets the cartway of the street for twenty (20) feet; and, along the centerline of the street in both directions from the intersection with the driveway centerline, a distance of fifty (50) feet. Within such triangle, no structure, grading, or landscaping greater than three (3) feet in height that would obscure the vision of a motorist shall exist or be placed. A clear sight triangle of the dimensions and specifications noted above shall be provided for a driveway where said driveway intersects with an access drive.
 6. Driveways shall not be located within any required clear sight triangle of a streets intersection.
 7. In no case may any driveway exceed a slope of eight percent (8%) along its center line within twenty-five (25) feet of the street right-of-way. The maximum slope of any portion of the driveway beyond the right-of-way shall not exceed fifteen percent (15%).
 8. The cartway of all driveways shall be constructed, and all work shall conform to the requirements of the latest edition of Penn DOT Publication 408. For driveways longer than one hundred (100) feet, only the first twenty-five (25) feet shall be required to be paved with bituminous materials.
 9. Where a driveway enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed fifty percent (50%) in slope within twenty-five (25) feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed three (3) feet within twenty (20) feet of the street.
 10. All lots must have a separate driveway located on the lot which that driveway serves or a shared driveway located on each lot which that driveway serves.
 11. The minimum required angle between the centerline of a driveway and the centerline of the street which that driveway intersects shall be sixty-five (65) degrees.

12. Driveways accessing a State Highway are allowed only by virtue of a highway occupancy permit (HOP) issued by Penn DOT; and no subdivision or land development will be approved without such permit.
13. Driveway access shall be provided to the street of lesser classification when there is more than one (1) street classification involved.

B. Access Drives:

1. Access drives shall have a minimum pavement width of eighteen (18) feet.
2. Access drives shall be provided with a twelve (12) foot wide cartway for each lane of travel. Thus, an access drive providing for two-way traffic is required to be a minimum of twenty-four (24) feet. The maximum permitted width for an access drive is thirty-six (36) feet. However, emergency services such as, but not limited to, fire protection facilities, police stations, and ambulance facilities are exempt from the maximum access drive width standard of this Section.
3. An access drive must be located in safe relationship to sight distance and barriers to vision. The safe stopping sight distance (SSSD) at each access drive shall not be less than the distances found in PA Code Title 67, Chapter 441.
4. A seventy-five (75) foot clear sight triangle shall also be provided for each access drive and shall be indicated on the plan. The triangle is measured as follows: along the centerline of the access drive from where it meets the cartway of the street for twenty (20) feet; and, along the centerline of the street in both directions from the intersection with the access drive centerline, a distance of seventy-five (75) feet. Within such triangle, no structure, grading, or landscaping greater than three (3) feet in height that would obscure the vision of a motorist shall exist or be placed. A clear sight triangle of the dimensions and specifications noted above shall be provided for an access drive where said access drive intersects with another access drive or a driveway.
5. Access drives accessing a State highway shall be required to obtain a highway occupancy permit (HOP) from Penn DOT prior to plan approval. Submittal of the HOP application to Heidelberg Township is required fifteen (15) days prior to the submittal of the HOP application to Penn DOT.
6. The vertical and horizontal alignments of access drives shall conform to the specifications for minor streets as stated in this Ordinance.
7. All access drives shall be constructed in accordance with the latest edition of Penn DOT Publication 408.

8. Access drives shall be constructed with vertical curbing which runs from the terminus of the radii at the access drive/roadway intersection to the point at which the access drive terminates within the parking lot.
9. When vehicular parking is prohibited along access drives, the prohibition signing along the cartway shall be based on the most current edition of the Manual of Uniform Traffic Control Devices (MUTCD), or any other source approved by the Township Engineer.
10. Access drives shall be set back fifteen (15) feet from all side and rear property lines; however, this setback can be waived along one (1) property line when a joint parking lot is shared by adjoining uses.
11. An access drive shall be designed with right angle intersections.
12. A fifty-five (55) foot turning radius shall be required for all access drives.

Section 511 Blocks

- A. The length, width and shape of blocks shall be determined with due regard to the following:
 1. Provision of adequate sites for type of buildings proposed.
 2. Zoning requirements, if any.
 3. Topography.
 4. Requirements for safe and convenient vehicular and pedestrian circulation.
- B. Blocks shall have a maximum length of one thousand, six hundred (1,600) feet. In the design of blocks longer than one thousand, one hundred (1,100) feet, special consideration shall be given to the requirements of satisfactory fire protection.
- C. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a minor arterial or collector street are used.
- D. Crosswalks or pedestrian interior walkways may be required where necessary to assist circulation or provide access to community facilities.
- E. For commercial and industrial uses and areas, the block layout shall be designed with reference to service of the public and with provisions for adequate off-street parking and loading facilities.

Section 512 Off-Street Parking Facilities

- A. Off-street parking shall be required in accordance with the provisions of this section and the Township's Zoning Ordinance prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. Off-street parking facilities shall be provided whenever:
 - 1. A building is constructed or a new use is established.
 - 2. The use of an existing building or structure is changed to a use requiring more parking facilities.
 - 3. An existing building or structure or use is altered or enlarged so as to increase the amount of parking required.
- B. Surfacing: All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another dust-free surface such as permeable asphalt, approved by the Township Board of Supervisors.
- C. Separation from Streets and Sidewalks: For multi-family and nonresidential uses, where a parking area or other area open to movement of vehicles abuts the right-of-way of a public street, sidewalk or walkway, a pipe railing, post and chain barricade, raised curbs, or similar devices satisfactory to the Township Engineer must line the public right-of-way, sidewalk or walkway, except at access points, so that parked vehicles will not extend into the street right-of-way, sidewalk or walkway.
- D. Drainage: Parking lots shall be graded to a minimum slope of three-quarter percent (.75%) to provide for drainage.
- E. Storm water Management: All off-street parking facilities shall meet the requirements of the Township's storm water management ordinance.
- F. Marking of Parking Spaces and Interior Drives: All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and directing vehicular circulation upon interior drives. At a minimum, the lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid and four (4) inches in width.
- G. All dead-end parking lots shall be designed to provide sufficient backup area for all end spaces.
- H. Lighting of parking areas:
 - 1. Any area open to the public, including entrances and exits, shall be lighted.

2. Lighting shall be provided at a minimum average of two (2) foot candles at an elevation of three (30 feet above the surface, but shall not exceed 0.1 foot candle at the adjoining property line.
 3. All lighting shall be so arranged as to reflect the light downward and away from adjoining premises and public rights-of-way, by the use at a minimum, of flat lens, full cut-off shields on lighting fixtures.
 4. All lighting plans shall be indicated on a land development plan, or on a subdivision plan, if applicable. The lighting plans shall include photometrics and appropriate footer and mounting details.
- I. All parking areas and isles between parking spaces shall be paved to meet the following minimum standards:
1. Crushed aggregate base course with a minimum thickness of six (6) inches, as specified in Penn DOT Specifications, Form 408, and its latest revisions.
 2. The bituminous surface shall consist of a minimum of Superpave PG 64-22, 0.0/0.3 ESALs, two (2) inches 19.0 mm mix, and one and one-half (1 ½) inches of 9.5 mm mix. Material shall be equal or superior to Penn DOT Specifications Publication 408/90, as amended, and shall be applied in accordance with those same specifications.
 3. Truck areas may require a heavier pavement section.
- J. Perimeter landscaping: When a parking lot abuts a street or access drive, a landscaped strip shall be provided along the entire street line. This landscaping strip may be located within any other landscaped strip required to be located along a street. The required width of landscape strips follows:

<u>Number of spaces in parking lot including joint facilities</u>	<u>Landscape strip width in feet measured from street r.o.w. line</u>
25 to 100	15
100 to 250	20
Over 250	25

Vegetative ground cover alone is not sufficient to meet this requirement. Trees, shrubs or other approved material shall be provided. At least one (1) shade tree shall be provided for each one hundred (100) linear feet of landscaping area. These trees shall have a clear trunk of at least five (5) feet above finished-grade level.

- K. Interior Landscaping: In any parking lot containing twenty-five (25) or more parking spaces (except a parking garage), five percent (5%) of the total area of the parking lot shall be devoted to interior landscaping. Such interior landscaping shall be placed at the

end of parking space rows to break up rows of parking spaces at least every ten (10) parking spaces, and to help visually define travel lanes through or next to the parking lot.

Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.

For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking areas and access drives, aisles, islands, and curbed areas. The total area of the parking lot shall be noted on the plan.

Vegetative ground cover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk of at least five (5) feet above finished-grade level.

Parked vehicles may not overhang interior landscaped areas more than two and one-half (2 ½) feet. Where necessary, wheel stops or curbing shall be provided to ensure no greater horizontal overhang. If a parking lot of under twenty-five (25) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty-five (25) spaces or more, the interior landscaping shall be provided for the entire parking lot.

Section 513 Lots and Lot Sizes

A. Lot Frontage:

1. All lots shall front on a dedicated public street (existing or proposed), other than an alley or service street. Lots not fronting upon a public street shall not be approved, except in the case of a private street which is in conformance with the specifications and requirements of minor or local streets as specified in this Ordinance.
2. Double frontage lots are prohibited, except where created as reverse frontage lots to prevent direct vehicular access to collector or minor arterial streets.
3. All residential reverse frontage lots shall have a rear yard with a minimum depth of fifty (50) feet, measured along the shortest distance from the proposed dwelling unit to the street right-of-way line. Within such rear yard, and immediately adjacent to the right-of-way line, there shall be a planting screen of at least ten (10) feet in width, across which there shall be no right of access.
4. Lots utilizing driveways shall not directly access a minor arterial or collector street. Reverse frontage lots are required along such streets in order to limit traffic hazards and to provide for the efficient movement of traffic.

5. Corner lots shall provide for front setbacks on both streets. The remaining two yards shall be comprised of one side yard and one rear yard, the rear yard being opposite the street of address. Side and rear setbacks shall be provided respectively.

B. Flag Lots:

1. Flag lots shall not be created when lots can be designed to satisfy the minimum width requirements.
 - a. The flag lot must access directly onto a public street.
 - b. The only principal use permitted on a flag lot shall be a single family detached dwelling.
 - c. The “staff” or access portion is to be excluded in determining lot area and in the placement of setbacks. It shall serve only the lot upon which it is located, and shall be a deeded part of the flag lot. No portion of the staff shall be used for on-site sewage disposal or improvements other than access improvements. The required dimensions of the “staff” are as follows”
 - 1) Minimum width – Twenty (20) feet.
 - 2) Maximum Length – Seven Hundred (700) feet.
 - 3) The front building setback line and lot width shall be measured along the front lot line (other than the street line) most nearly parallel to the public street from which the access is taken.
 - d. No more than two (2) contiguous flag lots shall be permitted.

- C. Existing Lots with Private Access – Parcels of land existing as of the effective date of this Ordinance which have their access by means of private roads or private right-of-way will be permitted to be subdivided for future additional development in accordance with the following schedule:

**SCHEDULE OF NUMBER OF LOTS PERMITTED TO BE SERVED BY PRIVATE
DRIVES EXISTING AS OF THE EFFECTIVE DATE OF THIS ORDINANCE**

<u>Size of Lots</u>	<u>Number of Lots Permitted</u>
1 acre, but less than 2 acres	2
2 acres, but less than 3 acres	3

All subdivision plans approved by the Township under the provisions of this section shall include the following note, and shall be subject to the provisions specified therein:

**RESTRICTIONS AND/OR CONDITIONS RELATING TO PRIVATE DRIVES
SERVING RESIDENTIAL LOTS**

Each Deed for the transfer or conveyance of any lot shown on the above subdivision plan shall contain restrictions and/or conditions that the private drives shown hereon shall remain private drives and that the purchasers or owners of said lots shall be responsible for the construction, maintenance, repair and snow removal of said private drives, which restrictions and/or conditions shall be deemed to be covenants running with the land. So long as said drives remain private drives, Heidelberg Township shall have no responsibility or obligation for construction, maintenance, repairs, and snow removal. No further subdivision of any of said lots shall be permitted unless and until said private drives have been constructed or improved to current Township standards and offered for dedication by the owners or purchasers of the lots as public streets of the Township.

D. Lot Dimensions and Configurations:

1. Lot size and setbacks shall conform to the requirements of the Township Zoning Ordinance.
2. No dwelling unit or any non-agricultural non-residential principal use structure shall be located within one hundred (100) feet of any actively farmed parcel within any agricultural zoning district.
3. Whenever practical, side lot lines shall be perpendicular to street lines.

Section 514 Sanitary Sewage Disposal

The developer shall provide the most effective type of sanitary sewage disposal consistent with the municipality's official plan for sewage facilities prepared in accordance with the

Pennsylvania Sewage Facilities Act (Act 537) and Chapter 71 of the Pennsylvania Department of Environmental Protection (PA DEP) Regulations.

A. Public Sanitary Sewers

- 1 If the project is located within an Designated Growth Area, as designated by the Township's Comprehensive Plan, connection to a public sanitary sewer system shall be required where such a system is proposed by the municipality's official plan for sewage facilities, can feasibly be provided to the proposed development, and where such a system can adequately fulfill the sewage disposal needs of the subdivision or land development.
2. Where a public sanitary sewer system is not yet accessible to the site, but is planned for extension within a five (5) year period, the developer shall install sanitary sewer lines within the subdivision boundary to the point where the future connection to a public sewer system will be made. Lateral connections shall be constructed for all lots. Connections shall be available in the structures so as to allow the switch from the use of on-lot systems to the public system. Such sewer systems shall be capped until ready for use. On-lot disposal facilities shall be provided for interim use.
3. Upon completion of any public sewer system, a reproducible as-built plan of the system must be filed with the municipality prior to the issuance of an occupancy permit for any dwellings or buildings to be connected to the system.

- B. On-Lot Sewage Disposal Systems:** In subdivisions/land developments where connection to a public sewage system is not possible, on-lot sewage disposal systems shall be provided in accordance with the Pennsylvania Sewage Facilities Act, Chapter 73 of DEP Regulations, and the requirements of the Municipal Sewage Enforcement Officer. Each lot shall be provided with a tested, approved primary and replacement absorption area.

Section 515 Water Supply

Based upon the results of the feasibility report required in Section 403 of this ordinance, all subdivisions and land developments must be provided with water supply facilities as follows:

- A. If the project is located within an established Growth Area as designated by the Township Comprehensive Plan, connection shall be made to a public water supply system where such a system can feasibly be provided to the proposed subdivision or land development and where the capacity of such a system can adequately fulfill the water supply demands of the proposed subdivision or land development.
- B. Where plans approved by a public water supplier provide for the installation of such public water facilities within five (5) years, the developer shall provide a complete water supply system ready to be connected to the proposed water main supply system.

- C. Upon completion of the water supply system, a reproducible as-built plan of the system must be filed with the municipality.
- D. Where there is no existing public water supply and the feasibility report indicates that connection to a public water supply system is not feasible, each lot/unit in the development must be provided with an individual water supply system in accordance with minimum standards approved by the PA DEP.
- E. All new or replacement water systems located in flood plain districts, whether public or private, shall be flood-proofed up to the Regulatory Flood Elevation.

Section 516 Storm Water Management and Drainage

- A. General Requirements: Prior to the approval of a preliminary subdivision plan (final plan approval if a minor subdivision), or approval of a land development plan, the developer shall prepare a storm water management plan in accordance with the Township's storm water management ordinance.
- B. Lot Drainage: Lots shall be laid out and graded to provide drainage protection to new and existing buildings, and away from on-lot sewage disposal sites, in order to prevent the contamination of ground water. Top soil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover.
- C. Open Drainageways: When open drainageways are used for the conveyance of storm water, the township Engineer shall review the design of such open drainageways in relation to the following:
 - 1. Safety: The slope cannot be steeper than one (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills, or one (1) foot vertical measurement for two (2) feet of horizontal measurement for cuts.
 - 2. Erosion: Adequate measures shall be taken, such as seeding, sodding, or other measures as necessary to prevent the erosion of banks and the scouring of the channel. Such measures shall conform to the requirements of Chapter 102 of the Rules and Regulations of the PA DEP, as amended.
 - 3. Stagnation: Design of open drainageways shall promote energy dissipation and infiltration of storm water runoff.
- D. Storm sewers: Whenever available evidence indicates that natural surface drainage and best management technology is inadequate, the developer shall install storm sewers, culverts and related facilities, as necessary, to:
 - 1. Permit the unimpeded flow of natural watercourses.

2. Ensure the drainage of all low points along the line of streets.
 3. Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
 4. Provide adequate drainage away from on-site sewage disposal facilities.
- E. In the design of storm water facilities, excess or adverse runoff onto adjacent developed or undeveloped properties is not permitted. In no case may a change be made in the existing topography which would:
1. Result in increasing any portion of the slope steeper than one (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills, or one (1) foot vertical measurement for two (2) feet of horizontal measurement for cuts within a distance of twenty (20) feet from the property line, unless an adequate retaining wall or other structure is provided.
 2. Result in a slope which exceeds the normal angle of slippage of the material involved. All slopes must be protected against erosion.

Whenever a subdivision or land development plan proposes to dispose of storm water runoff onto an adjacent property, not within a natural watercourse, approval of the affected owners shall be obtained and an easement provided on the plan. Certification of approval by the neighboring property owner(s) shall be in the form of a copy of a notarized, recorded easement agreement signed by the property owner(s) of the property upon which the storm water is to be discharged. Said copy of the aforementioned recorded agreement shall accompany the plan. In such instances, the plan shall provide detailed designs for the storm water facilities serving the proposed development which are to be located on the neighboring property

F. Easements

1. Easements shall be reserved where storm water or surface water drainage facilities are existing or proposed, whether located within or beyond the boundaries of the property.
2. Easements shall have a minimum width of twenty (20) feet.
3. Easements shall be adequately designed to provide area for the following:
 - a. The collection and discharge of water.
 - b. The maintenance, repair, and reconstruction of the drainage facilities and the passage of machinery for such work.

- c. Accommodate a one hundred (100) year design storm.
 - d. Easement documents shall clearly identify who has the right of access and responsibility for maintenance.
- G. Ownership and Maintenance of Storm water Management Facilities: It is the intent of these regulations to provide private ownership and maintenance of these facilities. The Final Plan shall clearly identify the ownership and method of administering and maintaining all permanent storm water management facilities, as well as include supporting documentation. The maintenance and easement agreements shall be approved by the Municipal Solicitor prior to approval of the Final Plan.
- H. Bridges and Culverts: Bridges and culverts shall be designed to meet current PennDOT and PA DEP standards.
- I. Obstruction from drainage prohibited: The damming, filling, encroachment upon, or otherwise interfering with the natural flow of a surface watercourse or wetland is not permitted without approval of the PA DEP, U. S. Army Corps of Engineers, and any other State or Federal agency which may have jurisdiction.

Section 517 Other Utilities

- A. Easements, Width and Location: Easements with a minimum width of twenty (20) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures shall be placed within such easements and nothing else shall be placed, planted, set, or put within the area of the easement that would adversely affect the function of the easement or conflict with the easement agreement. Such requirement shall be noted on the final plan and included in all deeds for lots that contain an easement. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- B. Petroleum, Gas and Electric Transmission Lines: Where any petroleum, petroleum products, natural gas or electric transmission line traverses a land development, the developer shall confer with the applicable transmission or distribution company to determine the minimum distance which shall be required between each structure and the centerline of such transmission line.

Additionally, the following is required with the preliminary plan submittal, if applicable (otherwise a final plan): a letter from the owner of the transmission line stating any conditions on the use of the property and the right-of-way width, or a copy of the recorded agreement which shall contain the above data.

- C. Flood-proofing of all Utilities: All new or replacement public and private utilities and facilities in flood-prone areas shall be elevated or flood-proofed up to the Regulatory Flood Elevation.

- D. Underground Installation: Electric, telephone, and all other utility facilities shall be installed underground unless special considerations require otherwise.

Section 518 Monuments and Markers

- A. Specifications: Monuments and markers must be constructed as follows:

	<u>Material</u>	<u>Minimum Size</u>
Monument	concrete or stone	6" x 6" x 30"
Marker	Iron pipes or iron or steel bars	15" X 3/4" diameter

- B. Placement and Marking: Monuments and markers must be placed by a Registered Surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments must be marked on top with a copper or brass dowel.
- C. Location of Monuments: At least one (1) monument must be set:
1. At the intersection of lines forming angles in the boundaries of the development.
 2. At the beginning and ending of curves along street and property lines.
 3. At all changes in direction of street lines.
 4. At the intersection of street lines.
- D. Location of Markers: Markers must be set:
1. At points where lot lines intersect curves either front or rear.
 2. At angles in property lines of lots.
 3. At all other lot corners.
- E. Removal: Any monuments or markers that are removed must be replaced by a Registered Surveyor at the expense of the person removing them.

Section 519 Multi-Family Units

When a subdivision proposes multi-family dwellings, the plans shall include access easements to allow all lot owners access to front and rear yards as necessary for maintenance and non-licensed vehicles.

Section 520 Fire Hydrants

Fire hydrants shall be required for all subdivisions or land developments provided with a community water system or a public water supply system. Fire hydrants shall be located within six hundred (600) feet of any dwelling unit or structure open to the public. Fire hydrants shall be

installed in accordance with the requirements of the local fire authority and all applicable regulations.

Section 521 Street Names

Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets within the same postal area. All proposed street names are subject to review by the York County 911 Office and the Address Management Section of the U.S. Postal Service in Harrisburg and approval by the municipal governing body. Written certification of review and acceptance by the York County 911 Office and the U.S. Postal Service in Harrisburg, and approval by the municipal governing body must be provided for plans involving new street names or street name changes prior to plan approval by Heidelberg Township.

Section 522 Street Name and Traffic Signs

- A. The subdivision or land development shall be provided with street name signs at all street intersections. Street name signs shall be furnished and installed by the Township after adoption of the street. The costs of furnishing and installing street name signs will be borne by the developer as part of the costs of improvements. The construction of street name signs shall be in accordance with Section 930, Post Mounted Signs, of Penn DOT Publication 408, Latest Edition.
- B. Traffic and regulatory signs shall be provided and installed by the Township prior to the occupancy of any units within the project in accordance with Penn DOT Publication/Chapter 212 and the MUTCD, Manual on Uniform Traffic Control Devices. The developer shall reimburse the Township for all associated costs.

Section 523 Street Lights

- A. For the safety and convenience of the development, on-site or public street lights shall be installed for the following conditions:
 - 1. At existing or proposed intersections and crosswalks.
 - 2. When a curve in an existing or proposed street does not meet the horizontal alignment standard of this Ordinance or where AASHTO standards indicate that the safe speed for the curve is less than the posted speed limit for the road.
 - 3. Along existing or proposed pedestrian walkways at a minimum average of one-half (1/2) foot-candle at an elevation of three (3) feet above the surface.
- B. Where electric service is supplied by underground methods and prior to the installation of streets, curbs, sidewalks and driveways, the developer shall provide and install conduits where necessary to accommodate the installation of a street lighting system. Installation

and location of conduits will comply with the specifications of the appropriate public utility.

- C. All such on-site and public street lights shall be fully shielded so that off-site glare onto adjoining properties does not occur.
- D. The use of uplighting for on-site or public street lights is prohibited.

Section 524 Street Trees

- A. Street trees shall be planted between the street right-of-way line and the building setback line except where the Township has authorized placement of trees within the street right-of-way. The tree growth shall not interfere with the street cartway, sidewalk or utility line.
- B. A minimum of one (1) street tree shall be provided for each residential lot, and spaced not less than forty (40) feet or more than sixty (50) feet apart along the entire length of each existing or proposed street. In residential subdivisions which propose attached dwellings (townhouses) and have lot widths less than forty (40) feet, the additional trees not able to be located at the above spacing may be distributed at appropriate locations throughout the remainder of the subdivision.
- C. In commercial and industrial zoning districts, street trees shall be provided with each land development plan and spaced not less than forty (40) feet or more than sixty (60) feet apart along each street frontage.
- D. Street tree planting standards shall be as follows:
 - 1. The trees shall be nursery grown in a climate similar to that of the locality of the project.
 - 2. All trees shall have a normal habit of growth and shall be sound, healthy and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
 - 3. The caliper of the trunk, measured at a height of six (6) inches above finished grade, shall be a minimum of two (2) inches.
 - 4. All planting shall be performed in conformance with good nursery and landscape practice including proper guying and staking.
 - 5. Requirements for the measurements, branching, grading, quality, balling, and burlapping of trees shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSIZ60, 1-1973, as amended.
- E. For minor subdivisions and land developments, the developer may request that the Township not require the provision of street trees and offer to pay a fee in lieu of provision of street trees in an amount set annually by resolution of the Board of Supervisors..

1. The decision to accept an offer of a fee-in lieu of the required installation of street trees shall be at the sole discretion of the Board of Supervisors.
- F. The developer may request that the Township permit the installation of the required numbered street trees in locations other than those required by this Section.
1. The request shall be accompanied by planting plan clearly showing the proposed alternate location(s) and an explanation demonstrating why the required location(s) would not be suitable for street trees.
 2. The decision to accept an offer to permit installation in alternate locations shall be at the sole discretion of the Board of Supervisors.
- G. Street trees shall be selected from the following species:
- | | |
|----------------------------------|------------------------|
| Acer rubrum cultivars | Red Maple |
| Aesculus x cornea | Red Horse Chestnut |
| Cladrastus lutea | American Yellowwood |
| Fraxinus pennsylvanica cultivars | Green Ash |
| Ginkgo biloba (males only) | Ginkgo |
| Gleditsia triacanthos inermis | Thornless Honey Locust |
| Cultivars | |
| Liquidambar styraciflua | Sweet gum |
| Nyssa sylvatica | Black Tupelo |
| Quercus acutissima | Sawtooth Oak |
| Quercus phellos | Willow Oak |
| Quercus rubra | Red Oak |
| Sophora japonica | Japanese Pagoda Tree |
| Tilia cordata | Littleleaf Linden |
| Tilia x euchlora | Crimean Linden |
| Tilia tomentosa | Silver Linden |
| Zelkova serrata cultivar | Japanese Zelkova |
| Pyrus calleryana Redspire | Redspire Pear |

Section 525 Public Dedication of Park and Recreation Land

- A. In accordance with the recommendations of the Parks and Recreation provisions of the Heidelberg Township Comprehensive Plan, where a proposed park, playground, open space, or other recreation site is shown on the Heidelberg Township Official Map as amended, or where the Township considers that a local recreation site is necessary to carry out the purpose of this Section, all subdivisions and land developments shall be provided with park and recreation land that shall be dedicated to the Township.
- B. The provisions herein shall apply to development proposals that would create new or expand existing residential development in conformance with Section 503(11) of the Pennsylvania Municipalities Planning Code, as amended.

Dedication Requirements

1. A subdivision or land development that creates six (6) or more new residential units out of a parent tract either initially or cumulatively from the date of this Ordinance shall dedicate a minimum of 0.02 acres of land as park or recreational land for each residential unit or lot created.
 2. Notwithstanding the foregoing, in all cases the minimum area of land reserved as park, recreation and open space land shall be equal to the minimum lot size in the district in which the subdivision or land development is located.
- C. A developer may request that the Board permit the provision of park and recreation land other than through public dedication of land as set forth above.
1. The developer shall set forth, in writing, the means by which he will fulfill this requirement which may include any one or a combination of the following:
 - a. The payment of a fee in lieu of dedication of all or a portion of the amount of land required to be dedicated.
 - b. Construction of recreational facilities
 - c. The private reservation of land
 2. If a fee in lieu of dedication is proposed by the developer, said fee shall be the fair market value of the land required to be dedicated under Subsection (C) above.
 - a. The developer shall provide the Board with all information necessary to determine that fair market value of the land, including but not limited to:
 - b. A copy of the agreement of sale if the developer is an equitable owner and has purchased the land within the past two (2) years, or,
 - c. An appraisal of the property conducted by an MAI appraiser acceptable to the Township.
 - d. Fair market value shall be computed by dividing the total price for the tract by the number of acres within the tract and then multiplying that number by the amount of land required to be dedicated.
 - e. Payment of all such fees shall be a condition of final plan approval, and no plans shall be signed by the Board until such fees are paid.
 - f. All fees shall be paid to the Township and deposited in a separate interest-bearing account. Fees deposited to this account shall be administered as required by the Municipalities Planning Code.

3. If the developer proposes to construct recreational facilities, the developer shall present a sketch plan of such facilities and an estimate of the cost of construction.
 4. If the developer proposes the private reservation of land, the developer shall provide for the maintenance of such land through either the inclusion of such land as common elements of a condominium or the creation of a home owners' association which shall meet the requirements for a unit owners' association contained in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101 et seq.
 - a. Such documentation shall be recorded, shall provide that the land cannot be further developed and shall give the Township the rights to maintain the land as set forth in Article VII of the Municipalities Planning Code dealing with the maintenance of common open space in planned residential developments.
 - b. The developer may request that the Board approve transfer of the land to an organization dedicated to the conservation of natural resources with deed restrictions preventing further development acceptable to the Township Solicitor.
 5. The developer shall enter into an agreement with the Township setting the fees to be paid, the facilities to be constructed, or the land to be privately reserved and the method of its maintenance. All such agreements shall be in a form satisfactory to the Township Solicitor.
- E. The land dedicated for park, recreation and open space usage shall be designed and arranged to achieve as many of the following objectives as possible:
1. Provision of useable play or recreation areas that are conveniently accessible to residents throughout the development.
 2. Interconnection of proposed play or recreation areas with existing or proposed play or recreation areas.
 3. Provision of new and/or connection with existing trails, paths, greenways, or linear parks.
 4. Protection of important natural, historic and cultural resources.
- F. The nature of the land dedicated for park, recreation and open space shall be as follows:
1. The land shall not contain storm water management facilities, floodplains, wetlands, steep slopes, easements along water courses or similar features. However this prohibition may be waived at sole discretion of the Board of Supervisors where the Board determines that the presence of one or more of those features on less than fifty percent (50%) of the total land area to be dedicated does not prevent its reasonable use for recreation, a park, or open space.

2. The land shall be configured to serve residents adequately and conveniently. Strips of land running around the perimeter of a development or separating proposed lots less than twenty five (25) feet in any dimension shall not count as meeting the dedicated open space requirements of this Section unless such strips constitute the formation of or interconnection with a trail system throughout the subdivision or development, or such land is improved with pedestrian/bicycle trails, fitness stations, or other recreational improvements and amenities acceptable to the Board of Supervisors.
3. In the event that the development tract contains natural features which are worthy of preservation, the developer may request that the Board of Supervisors permit the provision of recreational land configured in such a manner as to best preserve the natural features. The proposed location of the recreational land shall be deemed acceptable at the sole discretion of the Board of Supervisors.
4. If the adjoining property to the subject property is undeveloped land, the Board of Supervisors shall require that the recreational land to be dedicated for the subject property development be provided at the property boundary of the development in order that it may be added to land provided for park and recreation purposes on the adjacent tract at such time as the adjoining property is developed.
5. If the adjoining property to the subject property has previously been developed and recreational land has been provided at the boundary of that previously developed property, the Board of Supervisors shall require that the recreational land to be dedicated for the subject property development be located adjoining the previously provided recreational land.
6. Pedestrian connections shall be provided from the subject property to adjacent parks, schools, recreational facilities, greenways, activity centers and commercial centers.

D. Design Requirements

1. Useable Play or Active Recreation Lands
 - a. The site(s) shall be located and designed for safe access by existing and proposed users.
 - b. Sufficient lot widths and depths shall be provided so as to accommodate ball fields, courts, play equipment, pavilions and other open play areas. Should a development be proposed at a location adjacent to existing park land, dedicated park land shall be provided as an expansion of the existing park.
 - c. Slopes across the land shall be at least two percent (2%) and no more than five percent (5%).

- d. The developer of the subdivision or development shall extend utilities such as sewer, water and power that are provided within the development to the park, recreation and open space land that is being dedicated if so requested by the Board of Supervisors. No part of the land to be dedicated shall be located within any overhead utility easement.
- e. No part of the land to be dedicated shall be a part of any other required setback, yard, buffer and/or open space required for any adjoining lots or uses as regulated by the Township's Zoning Ordinance.
- f. A site shall have at least one vehicular access area that is a minimum of twenty four (24) feet in width.
- g. Pedestrian walkways and/or bicycle trails shall be a minimum of six (6) feet wide and shall be constructed with 1-1/2 inches of bituminous asphalt laid upon a six (6) inch stone base.

2. Greenway, Linear Park, or Natural Resource Lands

- a. Greenways, linear parks, and natural resource areas as corridors of open space help the Township achieve its goal of connectivity between development and community resources by providing links for people to gain access to residential and non-residential areas, schools, parks, neighborhoods, village and community centers, historic sites, natural features and recreational open space. Greenways may be developed for active use or be left untouched providing recreational, educational, environmental and open space values for nearby development. Greenways may be provided along water ways, wetlands, floodplains, ridge lines, utility easements, rights-of-way, abandoned railroad beds, roadways and streets. Wherever possible, they should incorporate parks, schools, pedestrian ways, existing bike routes, sidewalks, trails and utilize the larger buffer area setbacks between different land uses. Design standards shall be as follows:
- b. Any Greenway, Linear Park, and Natural Resource Area shall conform to the goals of the Heidelberg Township Comprehensive Plan, as amended, and the Heidelberg Township Official Map.
- c. Unless dedicated to and accepted by the Township Board of Supervisors, Greenway, Linear Park, and Natural Resource Areas shall be contained within easement(s) which provide for public use and maintenance and are granted to the Township or to another organization(s) which, in the judgment of the Township Board of Supervisors, is/are appropriate.
- d. The minimum width of a Greenway, Linear Park, and Natural Resource Area shall be twenty five (25) feet or that specified on the Township's Official Map, whichever requires the greatest width.

- e. Whenever possible, pedestrian road crossings shall occur at roads with limited traffic.
- f. Access to Greenways, Linear Parks, and Natural Resource Areas shall be provided from public streets, public easements or other public facilities.

ARTICLE VI

IMPROVEMENT CONSTRUCTION ASSURANCES

Section 601 Completion of Improvements or Provision of Financial Security

- A. No plan shall be finally approved unless the streets shown on such plan have been improved as may be required by this Ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains, storm water management facilities, or other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance, except that the surface course of streets shall not be completed until such time as ninety (90) percent of the lots in the subdivision or land development have been improved by the construction of a dwelling if approved for residential development or by the construction of the proposed commercial or industrial structures if the lots are approved for such uses.
- B. In lieu of the construction and completion of the improvements required by this Ordinance as a condition for final plan approval, the developer may deposit with the Township and/or the Authority, as applicable, a letter of credit, or other financial security authorized by the Municipalities Planning Code and acceptable to the Board and/or the Authority in an amount equal to one hundred ten (110) percent of the estimated cost of the required improvements estimated for a time ninety (90) days following the date scheduled for completion of the respective improvements by the developer.
- C. The amount of financial security required by the Township shall be based upon an estimate of the cost of the improvements, submitted by a developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The estimated cost of the surface course shall be computed separately from the estimated cost of completing the other improvements and shall be based upon the developer's projected timetable for completion of the development. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the developer.
- D. Annually the Township and/or the Authority may adjust the amount of required financial security by redetermining the estimated cost for completion of the uncompleted improvements as of the expiration of the ninetieth (90th) day after either 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 insure that the financial security equals one hundred ten (110) percent of the estimated cost of the

Township and/or the Authority completing the improvements at a time ninety (90) days following the date scheduled for completion or alternatively reduce the required security so that it equals such amount. Any additional security shall be posted by the developer within thirty (30) days after being notified of the same. The amount of financial security required by the Authority shall be computed in accordance with the Authority's rules and regulations.

- E. As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release from time to time, such portions of the financial security necessary for the payment to the contractor or contractors performing the work. Any such request shall be in writing and addressed to the Board and the Board shall have forty five (45) days from the receipt of such request to allow the Township Engineer to certify, in writing, to the Board that such portion of the work has been completed in accordance with the approved plan. Upon such certification, the Board shall authorize release from the required financial security of an amount as estimated by the Township Engineer as representing the value of the work completed.
- F. The value of the work completed shall be determined by subtracting one hundred ten (110) percent of the estimated cost of the completion of the remaining uncompleted work from the total amount of security deposited.
- G. At such time as ninety (90) percent of the lots in the subdivision have been improved as set forth above, or at the expiration of the time agreed to by the applicant and the Board for completion of all improvements excepting the surface course has been completed, less than ninety (90) percent of the lots have been so improved, the Township may notify the developer to complete the surface course within sixty (60) days from the date of such notice. In computing the sixty (60) day requirement, the period from October 1 to April 1 shall not be counted.
- H. If at the time the surface course is completed, ninety (90) percent of the lots are not improved as set forth above, the developer shall post with the Township financial security in an amount equal to fifteen (15) percent of the reasonable cost of the surface course as security to guarantee that damages to the road or street would not occur during the completion of the improvements on the unimproved lots in such developer's subdivision or land development. The Township shall hold such financial security and utilize it to pay for the repair of any damage occurring to the road during the period between the commencement of improvements on any particular unimproved lot and the completion of such improvements irrespective of whether or not it can be established that the damage to the road was caused by contractors or other persons working in and about the construction of such improvements. The financial security shall be in a form acceptable to the Township.

Section 602 Release from Financial Security

- A. When the developer has completed all of the improvements as shown on the final plans, the developer shall notify the Board, in writing, by certified or registered mail, of the completion of the aforesaid improvements, enclosing therewith certification by the engineer responsible for the design of the improvements that they have been installed as designed, and shall send copies of the notice and certification to the Township Engineer. All requests shall include as-built plans as specified in Section 508 and of any other improvements to be dedicated to the Township and/or the Authority and of all streets, whether or not such streets shall be dedicated.
- B. The Board or the Board's representative shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall thereupon file a report, in writing, with the Board and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board, said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of the reasons for such non-approval or rejection. Improvements shall not be considered completed unless the developer can demonstrate compliance with the requirements of this Ordinance, and all other applicable ordinances, statutes and regulations.
- C. The Board shall notify the developer within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of its action with relation thereto. Such notification shall be no more than forty five (45) days following the date of the Board's receipt of the developer's notice of completion of the improvements. If the Board or Township Engineer fails to comply with the time limitation provisions contained herein, or such time limitations as contained in the Municipalities Planning Code, whichever requirements shall contain a longer time period for action by the Township, all improvements will be deemed to have been approved and the developer's posted financial security shall be released.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the Board, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- E. 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 or Township Engineer.

Section 603 Remedies to Effect Completion of Improvements

In the event that any improvements that may be required have not been installed as provided in this Ordinance or in accordance with the approved final plan, the Board may enforce any letter of credit or other financial security by appropriate legal and equitable remedies. If proceeds of such financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board may, at its option, install such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action or recover the monies necessary to complete the remainder of the improvements. All the proceeds, after deducting the costs of collection, whether resulting from the financial 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 604 Inspection During Construction

The Township and/or the Authority, at their discretion, shall inspect the improvements during construction. The developer shall pay the cost of any such inspection in accordance with the provisions of Article V of the Municipalities Planning Code. The developer shall provide at least twenty four (24) hours notice prior to the start of construction of any improvements that are subject to inspection. All inspections of completed items shall be requested, in writing, at least forty-eight (48) hours in advance of the inspection time and date.

It is generally required that the following phases of site construction have mandatory inspection. This general list of phases may be amended by mutual agreement of the Township and developer when the site requires special construction procedures. The inspection schedule must be recorded with the final plan or shown on the approved improvement construction plan.

A. General Site Construction

1. Upon completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary erosion and sedimentation control devices.
2. Upon completion of rough grading, but prior to placing topsoil, permanent drainage, or other site development improvements and ground covers.
3. During the construction of permanent storm water management and BMP facilities.
4. Upon the final completion of permanent storm water management and BMP facilities, including the establishment of ground covers and plantings.

5. After review of the as-built drawings, required by this Article, but prior to final release of the financial guarantee for completion of final grading, vegetative controls required by the BMP standards, or other site restoration work.

B. **Street Construction**

1. **Preparation of Road Subgrade.** At the time of this observation, the subgrade should be proof rolled and the proposed crown and grade should be checked. It is recommended that a developer's/contractor's representative accompany the observer when the crown and grade are checked. Proof rolling shall be performed with a fully loaded, tandem-axle dump truck.

a. Based on this observation, in the event of unstable soil conditions that would affect the long term integrity of the proposed road, Heidelberg Township reserves the right to require geotechnical evaluation of the soils in the proposed street right-of-way. Such evaluation shall be conducted in that portion of the right-of-way deemed by the Township Engineer to be an area of concern for instability. The evaluation shall include an Engineering Classification Test (ASTM D2487) for the distribution of grain size with Atterberg Limits Test (ASTM D4318) for liquid and plastic limits. The evaluation shall also include a Standard Proctor Test (ASTM D698 or AASHTO T-99C) for soil moisture and density relationships.

(1) The minimum density under the Standard Proctor Test shall be 95% for all roads with the exception of heavy duty roads for which the minimum density standard shall be 100%.

b. For those road subbase sections that do not meet the above minimum densities or present soil conditions such as excessive moisture or resilience that would lead to instability in the opinion of the Township Engineer, Heidelberg Township reserves the right to require the installation of roadway geotextile fabric according to manufacturer's specifications to insure a stable foundation upon which the road subbase shall be placed.

2. **Placement and Compaction of Road Subbase.** At the time of this observation, the depth of subbase should be checked after compaction, the subbase should be proof rolled in the same manner as the subgrade and the crown and grade should be checked again. This observation must occur prior to any binder or base course being placed.

3. **Placement and Compaction of the Binder/Base Course.** At the time of this observation, the depth of the binder/base course should be checked, ambient temperature should be monitored (this is important in early spring and late fall days when the temperature can go below acceptable limits), the temperature of the bituminous material should be checked (if possible), and it is recommended that copies of the weight slips for each truckload are obtained. The crown and grade should also be checked again. This observation must occur prior to the wearing course being placed.

4. **Placement and Compaction of the Wearing Course.** At the time of this observation, the guidelines for the placement and compaction of the binder/base course should be followed.

- C. In addition to the above outlined observations, additional observations will be made at the request of the developer for reduction of financial securities. Random observations should be made at the frequency desired by the municipality. At the time of any of the above listed observations, all ongoing construction (i.e. storm drainage, sanitary sewer, water, erosion control, etc.) should also be checked for compliance with the approved plans and the findings reported. Since the above inspections are mandatory, it is recommended that requests for reduction of financial guarantee to be submitted to coincide with the above inspections.

Section 605 Offers of Dedication

- A. Any offer to dedicate any street or portion thereof shall be made on forms provided by the Township, along with all required supporting documentation and required fees. Offers for dedication may be submitted to the Township at any time during the calendar year; however, the Township will not formally act upon any offer of dedication prior to April 15 or later than September 1 of any calendar year.
- B. The offer to dedicate streets, parks or other areas or portions of them does not impose any duty upon the Township and/or the Authority concerning maintenance or improvement until the proper authorities of the Township and/or the Authority have made actual acceptance of the dedication by ordinance or resolution or by entry or improvement.
- C. As part of an offer of dedication of any streets, the developer shall provide the Township and Township Solicitor an appropriate center line description for the street(s). The Township Solicitor shall prepare the deed of dedication for the street(s) offered for dedication.
- D. Where the Township accepts dedication of all or some of the required improvements following completion, the Township may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term of eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Article with regard to installation of such

improvements and the amount of such financial security shall not exceed fifteen (15) percent of the actual cost of the installation of the said improvements.

- E. Where the Authority accepts dedication of some or all of the required improvements, the Authority may require the posting of financial security in accordance with its rules and regulations and applicable law.

Section 606 Effect of Plan Recording on Dedication and Reservations

Recording of the final plan after approval of the Board of Supervisors has the effect of an irrevocable offer to:

- A. Dedicate all streets and other public ways to public use, unless such streets are indicated on said plan as private streets.
- B. Dedicate all neighborhood parks and all other public areas shown on the plan for public use.

Section 607 Maintenance of Streets

The developer shall maintain all streets in the subdivision or development in travelable condition, including the prompt removal of snow there from, until such time as the streets are accepted by the Township as part of the Township highway system; or, if such streets are not to be dedicated, until a homeowners' association or other entity responsible for the maintenance of the streets has been formed.

Section 608 As-Built Plan

Prior to the final release of the financial security, the developer shall provide the Township with one (1) Mylar, two (2) prints, and/or one (1) electronic copy at the Township's discretion of the final as-built plan showing the following:

- A. Actual location of all concrete monuments which were set at all angle breaks and points of curvature along one side of the right-of-way. When the outside perimeter of a tract falls within or along an existing road right-of-way, then the right-of-way of that roadway shall be monumented at the above referenced points.
- B. Actual location of all iron pins or drill holes in curbs for all individual lot lines.
- C. Actual cul-de-sac radius.
- D. Actual horizontal and vertical location of cartway centerline versus right-of-way centerline.
- E. Actual location of floodplain by elevation and dimension from property line.
- F. Actual location and cross section of swales and accompanying easements.

- G. Actual horizontal and vertical location of storm water management facilities including type and size of storm drainage pipes.
- H. Detention basin:
 - 1. Actual contours of the detention basin.
 - 2. Actual outlet structure details including type, size and inverts of outlet pipes.
 - 3. Actual elevation of the embankment and emergency spillway.
 - 4. A table showing the stage/storage/discharge curve for the constructed conditions.
 - 5. A table providing a comparison of the approved design vs. the as-built discharge rates from all detention facilities, signed and sealed by a professional engineer and land surveyor.

ARTICLE VII

MOBILE HOME PARKS, TRAVEL TRAILER PARKS AND CAMPGROUNDS

Section 701 Mobile Home Parks

Section 701.1 General

- A. Mobile home park plans shall be processed in accordance with Article III of this Ordinance.
- B. Mobile home parks shall comply with the design standards set forth in this Article, with the exception that any specific design standard will be superseded by any other Township ordinance, resolution, or regulation containing a more restrictive specific standard. In such case, the more stringent standard shall apply, and the plan shall note that item will be designed to such specific Township standard.

Section 701.2 Lot Size and/or Density

- A. Lot size and density shall comply with the Township Zoning Ordinance.

Section 701.3 Building Setbacks and Separations

- A. Mobile homes shall conform to the building setback and separation requirements of the Township Zoning Ordinance.

Section 701.4 Water Supply

- A. Source: All mobile home parks shall be connected to the public or a community water supply system. Additionally, all water supply systems shall be provided in accordance with Article V of this Ordinance.
- B. Connection: Individual water riser pipes having an inside diameter of not less than three-fourth (3/4) inches shall be provided for each mobile home stand and shall terminate no less than four (4) inches above the ground. All water facilities shall be constructed with materials and by methods approved by the Water Authority.
- C. Protection of Water Lines: Adequate provisions shall be made to protect water service lines from damage including a shut-off valve installed below the frost line at the curb line for each mobile home space.
- D. Fire Hydrants: Fire hydrants or yard hydrants shall be installed in accordance with the provisions of the Middle Department Association of Fire Underwriters and the Authority

regulations, when applicable. The land development plans shall be submitted to the Fire Company that will provide service to the park, to review the locations and number of fire hydrants proposed. The Board may require additional fire hydrants to be installed if the Fire Company determines the number provided is insufficient to provide adequate fire protection for the mobile home park.

Section 701.5 Sewage Disposal

- A. Approved System: All mobile home parks shall conform to Article V of this Ordinance with respect to establishing an acceptable sanitary sewage disposal facility.
- B. Connection: All mobile homes and service buildings shall be connected to a public or community sewer system. Individual riser pipes having a minimum inside diameter of four (4) inches shall be located on each mobile home lot and shall extend four (4) inches above ground level. The sewer riser pipe shall be sealed with a securely fastened plug when the site is unoccupied. Positive surface drainage away from the plug shall be provided to ensure no infiltration of surface water will occur. All sewer lines shall be constructed with materials and by methods approved by the Sewer Authority and DEP.
- C. Protection: Adequate provision shall be made to protect sanitary sewers from storm water infiltration and damage.

Section 701.6 Storm Drainage, Erosion and Sedimentation, and Floodplain Controls

- A. All mobile home parks shall conform to the Heidelberg Township Storm Water Management Ordinance.

Section 701.7 Private Access Drives

- A. Private access drives a minimum of twenty-four (24) feet wide, shall be provided in the park as the principal traffic way, and each mobile home lot shall abut and shall access the private access drive.
- B. All private access drives shall be designed and constructed in accordance with the requirements of local streets of this Ordinance. The horizontal and vertical alignment of mobile home access drives shall be in accordance with the requirements of local streets.
- C. A clear sight triangle shall be provided and maintained at all internal and perimeter street intersections in accordance with the requirements of Article V of this Ordinance. Clear sight triangles shall be kept free of all obstructions.

Section 701.8 Vehicular Parking Facilities

Off-street parking spaces shall be provided in all mobile home parks in accordance with the

requirements of the Township Zoning Ordinance.

Section 701.9 Sidewalks and Curbs

- A. Location: All mobile home parks shall have sidewalks and curbs along parking compounds and access drives.
- B. Sidewalks: Sidewalks shall be provided from mobile home units to service buildings.
- C. Construction: Curbs and sidewalks shall comply with the Zoning Ordinance and the requirements of Article 5 of this Ordinance.

Section 701.10 Lighting

- A. All streets, alleys and parking compounds shall be lighted to provide an average minimum two (2) foot candle level of illumination at an elevation of three (3) feet above the grade for the safe movement of pedestrians and vehicles at night.
- B. All lighting shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

Section 701.11 Landscaping

- A. Landscaping shall be provided in accordance with the requirements of the Township Zoning Ordinance. In addition to those requirements listed in the Zoning Ordinance, the following requirements shall also be required.
- B. Screening: A twenty four feet (24) wide easement shall be located within the mobile home park immediately adjacent to all public streets, residential districts and all other existing residential uses. A landscaped screen in accordance with the Heidelberg Township Zoning Ordinance shall be planted within said easement.
- C. Surface Protection: Ground surfaces in all parts of the mobile home park shall be paved, covered with other solid material or protected with vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

Section 701.12 Service and Accessory Buildings

- A. Accessory Buildings: Service and accessory buildings shown on an approved plan shall be erected in a mobile home park. Such buildings shall be located in conformance with Zoning Ordinance.
- B. Construction: All service and accessory buildings, including management offices, storage areas, laundry buildings and indoor recreation areas shall be adequately constructed, ventilated, and maintained so as to prevent decay, corrosion, termites and other destructive elements from causing deterioration.

- C. Mobile home Park Office: Every mobile home park shall have a structure designed for and clearly identified as the office of the mobile home park manager.
- D. Storage Space: Occupants of each mobile home lot shall be provided with at least three hundred fifty (350) cubic feet of weather-tight and secure enclosed storage space. The type of storage facility shall be approved by the Township.
- E. Use of Service and Accessory Buildings: Service and accessory buildings shall be used only by the occupants of the mobile home park or their guests.

Section 701.13 Mobile Home Park Operation

- A. Availability of Permits and Register: In every mobile home park, a copy of the zoning permit and the operating permit shall be posted in the park office. The park register shall at all times be kept in said office and shall be open at all times to inspection by officers of the Township.
- B. Duties of the Owner: It is hereby made the duty of the owner of the mobile home park, or in his/her absence, the park manager, to:
 - 1. Keep at all times a register of all occupants of the mobile home park. Any changes in occupancy at the park shall immediately be reported to the School District and to the Township Tax Collector. Such register shall show for each occupant:
 - a. Name and prior address and, for past occupants, a forwarding address.
 - b. Dates of entrance and departure.
 - c. The lot number upon which such mobile home is parked or located.
 - d. The state license number of such mobile home and of the vehicle towing the same.
- C. Maintain the mobile home park in a clean, orderly and sanitary condition at all times.
- D. See to it that the provisions of this Ordinance are complied with and enforced, and report promptly to the property authorities any violations of this Ordinance or any other violations of law which may come to their attention.
- E. Prevent the running loose of dogs, cats, or other animals.
- F. Maintain in convenient places, approved by the fire department, hand fire extinguishers, in the ratio of one to each mobile home lot.
- G. Prohibit the burning of trash or rubbish on the premises.
- H. Prohibit the parking of any mobile home for use as living quarters if the said mobile home does not contain a minimum of four hundred (400) square feet of floor space.

- I. Maintain control of rodents, vermin, insects and other pests.
- J. See that no disorderly conduct or violation of any law or ordinance is committed upon the premises and immediately to report to the proper authorities any violations which may come to his attention.

Section 701.14 Solid Waste Disposal

- A. Solid waste disposal shall be the responsibility of the mobile home park operator and shall be performed in accordance with the requirements of the DEP.
- B. All solid waste shall be stored in dumpsters located throughout the facility, but in no case more than three hundred (300) feet from any unit served.
- C. Each dumpster shall be located within a fenced enclosure, including self latching gates, to prevent the escape of refuse by wind or other means and to prevent rodents from entering.

Section 702 Travel Trailer Parks and Campgrounds

Section 702.1 General

- A. Travel trailer park plans and campground plans shall be processed in accordance with Article III of this Ordinance.
- B. Travel trailer parks shall be subject to the following design standards in and the design standards of the Zoning Ordinance:

Section 702.2 Parking Space Requirements

- A. A minimum of one (1) motor vehicle parking space shall be provided for each lot or space within the travel trailer park or campground.

Section 702.3 Access Requirements

- A. Private access drives a minimum of twenty-four (24) feet wide, shall be provided in the park as the principal traffic way, and each travel trailer lot shall abut and have access to such an access drive.
- B. All private access drives shall be designed and constructed in accordance with the requirements of local streets of this Ordinance.
- C. A clear sight triangle shall be provided and maintained at all internal and perimeter street intersections in accordance with the requirements of Article 5 of this Ordinance. Clear sight triangles shall be kept free of all obstructions.

Section 702.4 Travel Trailer Park Improvements

- A. Travel trailer parks may be improved by the permanent installation of travel trailers; however, such trailers shall not be used as permanent residences. For the purposes of this Section, a permanent residence shall be defined as a residence that is occupied on a continuous basis for more than 120 days.

Section 702.5 Water Supply and Sewage Disposal

- A. All water supply facilities and sewage disposal facilities shall be approved by the Pennsylvania Department of Environmental Protection.

Section 702.6 Storm Water Management, Erosion and Sedimentation, and Floodplain Controls

- A. All travel trailer parks and campgrounds shall conform to the requirements of the Heidelberg Township Storm Water Management Ordinance with respect to storm water management, erosion and sedimentation, and floodplain controls.

Section 702.7 Screening

- A. A ten (10) foot wide easement shall be located within the travel trailer park immediately adjacent to all public streets, residential districts and all other existing residential uses. A landscaped screen in accordance with Article XX of the Heidelberg Township Zoning Ordinance shall be planted within said easement.

Section 702.8 Lighting

- A. All access drive intersections and parking compounds shall be lighted to provide an average minimum two (2) foot candle level of illumination at an elevation of three (3) feet above the grade for the safe movement of pedestrians and vehicles at night.
- B. All lighting shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.

Section 702.9 Solid Waste Disposal

- A. Solid waste disposal shall be the responsibility of the mobile home park operator and shall be performed in accordance with the requirements of the DEP.
- B. All solid waste shall be stored in dumpsters located throughout the facility, but in no case more than three hundred (300) feet from any unit served.
- C. Each dumpster shall be located within a fenced enclosure, including self latching gates, to prevent the escape of refuse by wind or other means and to prevent rodents from entering.

ARTICLE VIII

ADMINISTRATION

Section 801 Fees

A. Fee Resolution

1. The Board shall establish by resolution a collection procedure and schedule of fees to be paid by the applicant at the time of submission of all plans.
2. Fees for all other permits required for and by the Township shall be established by the resolution and paid for by the applicant.
3. Said schedule of fees shall be posted in the Township Office.

B. Engineering Fees

1. Engineering fees required to be paid in accordance with this Ordinance shall be paid to the Township by the applicant for the below listed services:
 - a. Reviewing all information submitted in conformance with provisions of this Ordinance. This includes all originally submitted and revised plans, reports and specification.
 - b. Inspecting the layout of the site for conformance to the submitted survey, plan and specifications.
 - c. Reviewing planning modules for land development.
 - d. Reviewing cost estimates of required improvements as submitted by the developer.
 - e. Inspecting required improvements during construction.
 - f. Final inspections of completion of installation of the required improvements.
 - g. Such other technical services as deemed necessary or required by the Township.

Section 802 Enforcement

It shall be the duty of the Zoning Officer and/or other such duly authorized representative of the Township, and they are hereby given the power and authority to enforce the provisions of this Ordinance.

The Zoning Officer shall direct and the applicant shall be required to submit an application for a zoning permit that contains all information necessary to enable the Zoning Officer to ascertain whether the proposed building, alteration, or use is located in an approved subdivision or land development and whether the proposed building, alteration or use is in compliance with the applicable subdivision or land development plan. No zoning permit shall be issued until the Zoning Officer has determined that the site for the proposed building, alteration or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded final plan.

Section 803 Penalties and Preventive Remedies

- A. Any person, partnership, corporation or the members of such partnership or the officers of such corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open and/or dedicate any street, sanitary sewer, storm sewer, water main, or other improvement for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon; or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by use of a plan of such subdivision or land development or otherwise; or who erects any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this Ordinance and has been recorded as provided herein; or who in any other way be in violation of any 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 (\$500.00) 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 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 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 (5th) day following the date of determination of a violation of the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.
- B. In addition to other remedies, the Township may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations of this Ordinance, to prevent unlawful construction, to recover damages and/or to prevent illegal occupancy of a building, structure or premises.
- C. 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.
- D. The Township may further 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 authority to deny such 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 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 the violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual constructive knowledge of the violation.
- E. 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 estate.

Section 804 Erroneous Permit

A building permit or other permit or authorization issued or approved based on false, misleading or erroneous information provided by the applicant is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency or employee of the Township, Borough or County purporting to validate such a violation.

Section 805 Appeals

All appeals from decisions of the Board in the administration of this Ordinance shall be made in accordance with the provisions of the Municipalities Planning Code.

Section 806 Interpretation and Application of Provisions

In the interpretation and application of the provisions of this Ordinance, said provisions shall be deemed to be the minimum requirements necessary for the promotion and protection of the public health, safety and welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation, or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance. Where the provisions of this Ordinance and all standards and specifications implementing it impose greater restrictions upon subdivision or land

development than those of any other Township Ordinance or any regulation or any applicable land development agreement, the provisions of this Ordinance and its standards and specifications shall be controlling. Where the provisions of any statute, regulation, other Township Ordinance or applicable land development agreement impose greater restrictions upon subdivision or land development than this Ordinance, the provisions of such statute, regulation, other Ordinance, or applicable land development agreement shall be controlling.

Section 807 Repealer

All ordinances or parts of ordinances in conflict with this Subdivision and Land Development Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 808 Application of Ordinance

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

No lot in a proposed subdivision or land development may be sold, and no final permit to erect any building upon land in a subdivision or land development may be issued unless and until a final plan has been approved and recorded and either the York County Planning Commission has been assured by means of an Improvement Agreement acceptable to the governing body of the municipality in which the subdivision or land development is proposed, that the improvements will subsequently be installed or the required improvements in connection therewith have been constructed.

With the exception of Sections 808.A and 808.B, the provisions of this Ordinance shall apply to and control all subdivisions and/or land developments whose plans have not been recorded in the Office of the Recorder of Deeds prior to the effective date of these regulations.

- A. The provisions of this Ordinance shall not adversely affect an application for approval of a preliminary or final plan which was duly filed with the York County Planning Commission with a copy thereof submitted to the Township, and is pending action at the time of the effective date of this Ordinance, and in which case 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 had been duly filed. When a preliminary plan has been duly approved, the applicant shall be entitled to final plan approval in accordance with the terms of the approved preliminary plan. However, if an application is properly and finally denied, any subsequent application shall be subject to the provisions of this Ordinance.
- B. If an applicant has received approval of a preliminary or final plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from the

date of such approval. When approval of the final plan has been preceded by approval of a preliminary plan, the five (5) year period shall be counted from the date of preliminary plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in 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.

Section 809 Amendments

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

Section 810 Construction

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights or liability incurred, or any permit issued, or any approval granted, or any cause or causes of action existing prior to the enactment of this Ordinance.

Section 811 Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 812 Effective Date

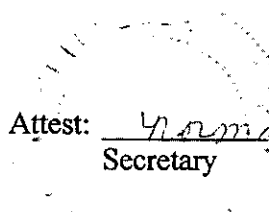
This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Heidelberg, as provided by law.

DULY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Heidelberg, York County, Pennsylvania, on the 7th day of December 2011, in lawful session duly assembled.

TOWNSHIP OF HEIDELBERG



Chairman,
Board of Supervisors



Attest: Norma Markle
Secretary

[TOWNSHIP SEAL]

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CERTIFICATION OF PLAN ACCURACY

I hereby certify that, to the best of my knowledge, the plan shown and described hereon is true and correct to the accuracy required by the Heidelberg Township Subdivision and Land Development Ordinance.

_____, 20__ * _____

* Signature and seal of a professional registered in the Commonwealth of Pennsylvania qualified to perform such duties and responsible for the preparation of the plan.

CERTIFICATION OF SURVEY ACCURACY

I hereby certify that, to the best of my knowledge, the survey shown and described hereon is true and correct to the accuracy required by the Heidelberg Township Subdivision and Land Development Ordinance.

_____, 20__ * _____

* Signature and seal of a professional registered in the Commonwealth of Pennsylvania qualified to perform such duties and responsible for the preparation of the plan.

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

A. (INDIVIDUAL)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF YORK

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

**

My Commission Expires _____, 20____,

* Identify Ownership or Equitable Ownership

** Signature of the Individual

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

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

(COPARTNERSHIP)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF YORK

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

**

My Commission Expires _____, 20____

* Identify Ownership or Equitable Ownership

** Signature of the Individual

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

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

(CORPORATE)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF YORK

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

My Commission Expires _____, 20____

* Individual's Title
** Name of Corporation
*** Identify Ownership or Equitable Ownership
**** Signature of Individual
***** Corporate Seal
***** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

**HEIDELBERG TOWNSHIP BOARD OF SUPERVISORS
PRELIMINARY PLAN APPROVAL CERTIFICATE**

At a meeting on _____, 20____, the Heidelberg Township Board of Supervisors granted PRELIMINARY PLAN APPROVAL of this project, including the complete set of plans marked sheet(s) _____ through _____ which form a part of the application dated _____, last revised _____, and bearing Heidelberg Township File No. _____. This plan may not be recorded in the office of the York County Recorder of Deeds, nor may any construction be initiated.

* _____

* Signature of the Chairperson or Vice Chairperson or their designee.

**HEIDELBERG TOWNSHIP BOARD OF SUPERVISORS
FINAL PLAN APPROVAL CERTIFICATE**

At a meeting held on _____, 20____, the Heidelberg Township Board of Supervisors approved this project including the complete set of plans and information which are filed with the Board of Supervisors in File No. _____, based upon its conformity with the standards of the Heidelberg Township Subdivision and Land Development Ordinance.

* _____

* Signature of the Chairperson or Vice Chairperson or their designee.

**HEIDELBERG TOWNSHIP BOARD OF SUPERVISORS
APPROVAL CERTIFICATE FOR A LOT ADD-ON PLAN**

This lot add-on plan, bearing Heidelberg Township File No. _____, approved by the Heidelberg Township Board of Supervisors this _____ day of _____, 20 ____.

* _____

* Signature of the Chairperson or Vice Chairperson or their designee.

**HEIDELBERG TOWNSHIP ENGINEER
REVIEW CERTIFICATE**

Reviewed by the Heidelberg Township Engineer this _____ day of _____, 20 ____

* _____

* Signature of the Heidelberg Township Engineer.

**HEIDELBERG TOWNSHIP PLANNING COMMISSION
REVIEW CERTIFICATE**

At a meeting held on _____, 20____, the Heidelberg Township Planning Commission reviewed this plan and a copy of the review comments is on file in the Township office.

* _____ * _____

* Signatures of the Chairperson or Vice Chairperson or their designee.

YORK COUNTY PLANNING COMMISSION REVIEW CERTIFICATE

The York County Planning Commission, as required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, reviewed this plan on _____, 20____, and a copy of the review is on file at the office of the Planning Commission in YCPC File No. _____. This certificate does not indicate approval or disapproval of the plan by the York County Planning Commission, and the Commission does not represent nor guarantee that this plan complies with the various ordinances, rules, regulations, or laws of the local municipality, the Commonwealth or the Federal government.

* _____ *

* Signatures of the Chairperson or Vice Chairperson or their designee.

RECORDER OF DEEDS CERTIFICATE

Recorded in the office for Recording of Deeds, in and for York County, Pennsylvania, in Subdivision Plan Book _____, Volume _____, Page _____. Witness by hand and seal of office this _____ day of A.D. 20_____.

_____Recorder

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

FB FILE NO. _____
DATE OF RECEIPT/FILING _____
(FOR TOWNSHIP USE ONLY)

The undersigned hereby applies for approval under the Heidelberg Township Subdivision and Land Development Ordinance for the (Subdivision) (Land Development) (Storm Water Management) Plan submitted herewith and described below:

1. Plan Name _____ Plan No. _____ Plan Date _____
2. Project Location _____
3. Name of Applicant (if other than owner) _____
Address _____ Phone No. _____
4. Name of Property Owner(s) _____
Address _____ Phone No. _____
5. Land Use and Number of Lots and/or Units (indicate answer by number):

___ Single-Family (Detached)

___ Commercial

___ Multi-Family (Attached-Sale)

___ Industrial

___ Multi-Family (Attached-Rent)

___ Institutional
6. Total Acreage _____
7. Application Classification: (Check One)

___ Preliminary Plan

___ Final Plan

___ Lot Add-On Plan for processing
In accordance with Section 308
of the Ordinance.

___ Revised Subdivision and/or Land
Development Plan for processing
In accordance with Section 308 of
the Ordinance.

___ Minor Plan

___ Storm Water Management Plan

8. Firm That Prepared Plan _____
Address _____ Phone No. _____
Person Responsible for Plan _____
9. Have all zoning approvals been obtained? ___Y___N Please specify approvals: _____
10. Type of water supply proposed: ___Public___ ___Community___ ___Individual___
11. Type of sanitary sewer disposal proposed: ___Public___ ___Live___ ___Community___
Capped ___Individual___
12. Lineal feet of new street _____
Identify all street(s) not proposed for dedication: _____
13. Acreage proposed for park or other public use: _____
14. Have plans been submitted to the York County Planning Commission? ___Y___N
15. Have plans been submitted to the York County Conservation District? ___Y___N
16. Have plans been submitted to the PA Department of Environmental Protection? ___Y___N
17. Have plans been submitted to any other review agency? ___Y___N. If so, please specify? _____

I am aware that I cannot commence development of the property and cannot commence excavation, earthmoving, grading, or construction until a plan has been recorded in the office of the Recorder of Deeds or until an Improvement Construction Plan has been approved by the Board of Supervisors of the Township of Heidelberg. By signing this application, I certify that all facts in the application and all accompanying documentation are true and correct. This application is being made by me to induce official action on the part of Heidelberg Township, and I understand that any false statements made herein are being made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date

Signature of Landowner or Applicant

**REQUEST FOR A REVIEW OF A SUBDIVISION OR LAND
DEVELOPMENT PLAN BY THE YORK COUNTY PLANNING
COMMISSION**

(To Be Submitted By Applicant)

YCPC FILE NO: _____

DATE OF RECEIPT: _____
(FOR COMMISSION USE ONLY)

TO: York County Planning Commission
28 East Market Street, 3rd Floor
York, Pennsylvania 17401

SUBJECT: Request for Review of a Subdivision or Land Development Plan, Heidelberg Township

We do hereby request the York County Planning Commission to review the enclosed subdivision or land development plan in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, Article V, Section 502.

Plan Identification (check or complete the following items):

___ Sketch Plan Municipal Plan No. (if any) _____
___ Preliminary Plan Plan Name: _____
___ Final Plan

Other (specify) _____

Name of Landowner(s) _____

Address _____

Additional Comments _____

Signature _____

Print Full Name _____

Title _____

**NOTICE OF ACCEPTANCE OF AN IMPROVEMENT
GUARANTEE**

DATE: _____

Heidelberg Township Board of Supervisors
6424 York Road
Spring Grove, PA 17362

SUBJECT: Acceptance of Improvement Guarantee

Dear Board of Supervisors:

The developer of the project known as _____ has provided an improvement guarantee in the form of a _____ to assure the proper installation of the following improvements:

<input type="checkbox"/> Roadway Improvements	<input type="checkbox"/> Storm Sewer Facilities	
<input type="checkbox"/> Sanitary Sewer Facilities	<input type="checkbox"/> Water Supply Facilities	<input type="checkbox"/> Fire Hydrants

This form of improvement guarantee was accepted by formal action of the Board of Supervisors at a meeting on _____, 20____.

Authorized Signature

REQUIRED IMPROVEMENTS COST ESTIMATE

Plan Name: _____

The following form is to be used to prepare the Improvements Cost Estimate as required per Article V. Attach additional sheets if necessary:

<u>Improvements</u>	<u>Quantity</u>	<u>Units</u>	<u>Price Per Unit</u>	<u>Construction Cost</u>
Street Grading	_____	_____	_____	_____
Street Subbase	_____	_____	_____	_____
Street Binder Course	_____	_____	_____	_____
Street Wearing Course	_____	_____	_____	_____
Street Signs	_____	_____	_____	_____
Traffic Control Signs	_____	_____	_____	_____
Curbs	_____	_____	_____	_____
Sidewalks	_____	_____	_____	_____
Storm Sewer Facilities	_____	_____	_____	_____
Sanitary Sewer Facilities	_____	_____	_____	_____
Water Supply Facilities	_____	_____	_____	_____
Fire Hydrants	_____	_____	_____	_____
Survey Monuments	_____	_____	_____	_____
Buffer Planting	_____	_____	_____	_____
Street Trees	_____	_____	_____	_____
Other (specify)	_____	_____	_____	_____
ESTIMATED COST:				\$ _____
CONTINGENCIES (10%):				\$ _____
INSPECTION FEE DEPOSIT (5%):				\$ _____
REQUIRED FINANCIAL SECURITY:				\$ _____

SIGNATURE OF ENGINEER _____

Seal

DATE _____

NOTICE OF COMPLETION AND APPROVAL OF IMPROVEMENTS

DATE: _____

Heidelberg Township Board of Supervisors
6424 York Road
Spring Grove, PA 17362

SUBJECT: Approval of Improvements

Dear Board of Supervisors:

The developer of the project known as _____ has completed the installation of the following improvements in accordance with the improvement construction plan:

☐ Roadway Improvements ☐ Storm Sewer Facilities
☐ Sanitary Sewer Facilities ☐ Water Supply Facilities ☐ Fire Hydrant
☐ Other (specify) _____

Authorized Signature

Print Full Name

Title

Authority of Utility

Address

Phone No.

APPLICATION FOR CONSIDERATION OF A MODIFICATION

FILE NO. _____

DATE OF RECEIPT/FILING _____
(FOR TOWNSHIP USE ONLY)

The undersigned hereby applies for approval of modification, submitted herewith and described below:

1. Name of Project _____
2. Project Location _____
3. Name(s) of Applicant (if other than owner) _____
Address _____
Phone No. _____
4. Name of Property Owner(s) _____
Address _____
Phone No. _____
5. Specify section(s) of the Heidelberg Township Subdivision and Land Development Ordinance for which waiver is requested: _____

6. The proposed alternative to the requirement _____

7. Justification for the waiver: _____

8. Identification of plans, reports or supplementary data which is part of the application: _____

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

Date

Signature

SAMPLE LEGAL DOCUMENTS

Exhibit A – Improvement Guarantee Agreement - Letter of Credit (Example)

Exhibit B – Improvement Guarantee Agreement - Cash (Example)

Exhibit C – Irrevocable Letter of Credit (Example)

Exhibit D – Request for Final Payment Under Irrevocable Standby Letter of Credit (Example)

Exhibit E – Demand for Payment (Example)

Exhibit F – Developer's Agreement (Example)

Exhibit G – Storm Water Management and Declaration of Easement (Example)

EXHIBIT A

IMPROVEMENT GUARANTEE AGREEMENT - LETTER OF CREDIT

THIS AGREEMENT is made this _____ day of _____, 20____, by and among Heidelberg Township, 6424 York Road, Spring Grove, York County, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania, hereinafter called "Township "; and _____ of _____, Pennsylvania, (hereinafter collectively referred to as "Owner").

WITNESSETH:

WHEREAS, Owner intends to build certain improvements shown on a plan prepared by _____, known as _____ Drawing No. _____, dated _____, 20____, (hereinafter referred to as the "Plan"); and

WHEREAS, the Township requires that security be established to ensure construction in compliance with Township ordinances and resolutions; and

WHEREAS, Owner is willing to obtain an irrevocable _____ for the funds required to complete construction in compliance with the Township ordinances and resolutions;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained therein, the parties do agree as follows:

ARTICLE I: Owner shall supply an irrevocable _____ (the copy of which is attached hereto and marked as "Exhibit A") issued by _____ in order to provide funds in the amount of _____ for excavation, street, sidewalk, curb, and storm water system construction (including retention/detention systems), signs, monument placement, and electric lines, (collectively referred to hereafter as "improvements") as-built drawings, and observation costs in accordance with Township specifications and the proposals attached to this Agreement as Exhibit "B". The aforesaid amount of the _____ is equal to one hundred ten percent (110%) of the estimated costs of completion of such improvements. In the event that the period for completion of the improvements as set forth below shall exceed one year, the aforesaid amount shall include an additional sum equal to ten percent (10%) of the approved costs of the improvements times as many years in excess of one year as will be required to complete the improvements. The aforesaid irrevocable _____ shall remain in effect until released by the Township.

ARTICLE II: Owner warrants that the improvements shall be completed within _____ of the date of the execution of this agreement, except for the top coat of paving, PENNDOT specifications 1.5

inch Superpave Wearing Course, which shall be completed within _____ of the date of execution of this agreement.

ARTICLE III: The Township, by its Engineer or other designated person, will inspect the construction of the improvements at progressive stages of completion as shall be required by the Township. The owner shall reimburse Township for all inspection fees incurred by Township according to the fee schedule adopted by the Township. Such reimbursement shall be due within thirty days from posting of a claim for same from Township to Owner. No release from the _____ shall be made until all such outstanding claims have been paid to the Township.

The Owner may request the release of a proportionate part of the security upon the completion of all curbing and the street base coat provided such work totals at least twenty percent (20%) of the total estimated costs of the improvements. Any such requests shall be in writing addressed to the Township, which shall have 45 days from receipt of such request within which to allow the municipal engineer to certify, in writing, that such portion of the work has been completed in accordance with the approved plan and any applicable Township ordinances or regulations. Upon certification as aforesaid, the Township shall authorize a release of the security equal to the amount estimated by the Township engineer to fairly represent the value of the improvements completed and certified. Failure by the Township to respond within the 45 day period shall be deemed an approval of the request for a release.

In the event that the engineer does not approve all or a portion of the work for which the release is requested, he shall specify in writing the nature of the objections and the steps necessary for correction and certification and forward same to Owner. Upon completion of the requested corrections, Owner shall resubmit the request for release as aforesaid. No partial release from any request shall be permitted.

The engineer's certification shall be solely for the purpose of determining that after reduction, the balance remaining on the _____ will be adequate to complete the remaining improvements. In no event shall the engineer's certification be construed as, nor is said certification intended as, a representation that the completed work is of any stated value, or deemed to constitute a warranty or representation as to the quality of the workmanship.

ARTICLE IV: In the event there is a difference of opinion as to the quality of the work completed, or as to the completion of the work to meet Township's specifications, the decision of Township's representative shall control and Owner's obligation to maintain the _____ shall continue until released in whole or in part by the Township .

ARTICLE V: It is intended that all improvements built pursuant to the Plan shall be private until offered for dedication and formally accepted by the Township pursuant to Article V.

ARTICLE VI: Upon written notice from Owner, the Township agrees to make a final inspection and within 45 days release Owner from any obligation to maintain the _____ if the improvements meet Townshi 's specifications. Despite final inspection, all improvements shall be deemed to

be private improvements until such time as the same have been offered for dedication and formally accepted by the Township by ordinance, resolution, deed or other formal document.

In the event that the Township Engineer shall determine, in his sole discretion, that either the work does not comply with all applicable standards, or that work previously determined to be in compliance has been damaged or has unreasonably deteriorated, he shall notify Owner in writing of the work found to be unsatisfactory and shall provide the steps necessary to obtain compliance. Upon completion of the corrections, Owner may resubmit his request for a release as aforesaid. No final release shall be given until all costs of the Township claimed to be due from Owner have been paid.

ARTICLE VII: Legal, engineering, and observation costs, including engineering and legal costs related to preparation of this agreement and related documents, incurred by the Township through or under this Agreement in regard to all improvements set forth in Article I shall be paid by Owner within 35 days of mailing of notice of claim.

All improvements as specified herein shall be completed in accordance with the standards established and the ordinances existing as of the date of the final plan approval for _____. Should said improvements not be completed, then and in that event the Township Engineer may notify the Township that the Owner has defaulted.

ARTICLE VIII: The specifications for the various improvements are those set forth on a plan dated _____, Drawing No. _____, prepared by _____, known as _____. All improvements shall be constructed in compliance with the Ordinances, Resolutions and Regulations of the Township and York County (where a conflict exists the most stringent requirement shall control), all of which are by reference made a part hereof.

ARTICLE IX: The Township will, prior to the final release at the time of completion and notification by its Engineer, require retention of ten percent (10%) of the estimated costs of the improvements specified herein, which shall be secured by a _____, for a period of eighteen (18) months from the date the improvements are constructed and accepted by the Township. It is understood and acknowledged that no improvement shall be accepted for dedication unless Owner shall comply with all of the terms and conditions of Ordinance #80.

ARTICLE X: Owner agrees to pay all costs involved in establishing and servicing the _____ with _____.

ARTICLE XI: The following shall be considered events of default under this agreements, whereupon Township shall be entitled to demand payment in full or complete any required improvements not yet completed or to correct or repair any unacceptable improvements and (1) with respect to a default under subparagraphs a-d, thereafter demand from the aforesaid _____ payment in full for such improvements or (2) with respect to a default under subparagraph e, immediately upon notice of non-renewal demand from the aforesaid _____ in the full amount of such letter, which amount shall thereafter be held in an interest bearing account (selected by Township in its sole discretion, with interest to follow principal), pending completion of the improvements or substitution of another _____ acceptable to the Township :

- a. Failure to complete the improvements within the time allowed for completion above;

- b. Abandonment of the project (abandonment shall be construed to mean failure to perform significant work on the project for a period of ninety (90) consecutive days after the project has been commenced;
- c. Failure to commence correction of any unacceptable construction with thirty (3) days of posting to Owner of written notice as aforesaid or failure to complete such corrections within forty-five (45) days of commencement of correction, which period shall be extended for such time as Owner is unable to work due to acts of God;
- d. Entry by Owner into receivership, insolvency, voluntary or involuntary bankruptcy, or in the event the property upon which the improvements are constructed are listed for sheriff or tax sale; or
- e. Notice from _____ to Township of intent not to renew Owner's _____, following which notice Owner does not within fifteen (15) days provide substitute equivalent security.

In the event that the reasonable cost to complete and or repair the improvements shall exceed the amount remaining available under the _____, Owner shall remain personally liable for any such excess. Township shall have the right to collect such excess by any means legally available to it for such purpose.

ARTICLE XII: This Agreement shall be construed, performed and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

ARTICLE XIII: This Agreement is not transferable or assignable without the written consent of the Township .

ARTICLE XIV: This Agreement sets forth the entire Agreement and understanding among the parties as to the subject matter thereof and may be amended subsequent to the date hereof only in writing and if signed by the party to be bound hereby.

IN WITNESS THEREOF, and intending to be legally bound thereby, the parties hereto have caused these presents to be executed and their corporate seals thereunto affixed, the day and year first written above.

HEIDELBERG TOWNSHIP

BY: _____

ATTEST: _____

EXHIBIT B

IMPROVEMENT GUARANTEE AGREEMENT - CASH

THIS AGREEMENT is made this _____ day of _____, 20____, by and among Heidelberg Township, 6424 York Road, Spring Grove, York County, Pennsylvania, a political subdivision of the Commonwealth of Pennsylvania, hereinafter called "Township"; and _____ of _____, Pennsylvania, (hereinafter collectively referred to as "Owner");

WITNESSETH:

WHEREAS, Owner intends to build certain improvements shown on a plan prepared by _____, known as _____ Drawing No. _____, dated _____, 20____, (hereinafter referred to as the "Plan"); and

WHEREAS, the Township requires that security be established to ensure construction in compliance with Township ordinances and resolutions; and

WHEREAS, The Township requires that security be established to ensure adequate funds to complete the improvements, or to repair any defect or deterioration of the improvements required and constructed according to the plan; and

WHEREAS, Owner is willing to provide a cash deposit for the funds required to insure that adequate funds are available to make repairs to such improvements;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained therein, the parties do agree as follows:

ARTICLE I: Owner shall supply a cash deposit in the form of guaranteed funds in the amount of _____ in order to provide funds for excavation, street, sidewalk, curb, and storm water system construction (including retention/detention systems), signs, monument placement, and electric lines, (collectively referred to hereafter as "improvements") as-built drawings, and observation costs in accordance with Township specifications and the proposals attached to this Agreement as Exhibit "B". The aforesaid amount is equal to one hundred ten percent (110%) of the estimated costs of completion of such improvements. In the event that the period for completion of the improvements as set forth below shall exceed one year, the aforesaid amount shall include an additional sum equal to ten percent (10%) of the

approved costs of the improvements times as many years in excess of one year as will be required to complete the improvements. The aforesaid shall remain in effect until released by the Township.

The Township shall have the right to deposit the aforesaid funds in any chartered depository in any form of interest bearing account which it, in its sole judgment, shall deem advisable. Such account shall be titled the "Heidelberg Township/_____ Security Fund"; the only approved signatories shall be the Chairperson and Secretary of the Board of Supervisors of Heidelberg Township; and the account shall bear the social security number/tax identification number for the owner of the tract, which is _____; the Township shall have the absolute right to withdraw all or any portion of the fund at any time to effect any completion, repair or maintenance to the improvements during the holding period and for any breach of this agreement; thereafter, the Township shall give written notice of such withdrawal.

The Owner hereby waives and releases any claim which it may at any time have against the Township, its agents or employees, arising from the rate of interest received on the aforesaid account, the failure of the institution wherein the funds are deposited, the type of account chosen for the fund, any taxes or charges which may accrue for such account, and for any penalties resulting from early withdrawal. Upon successful completion of this agreement, all funds held plus accrued interest shall be returned to the Owner, less any withdrawals as aforesaid. In the event of a withdrawal of funds pursuant to this agreement, the interest shall be available for application towards the costs necessitating such withdrawal.

ARTICLE II: Owner warrants that the improvements shall be completed within _____ of the date of the execution of this agreement, except for the top coat of paving, PENNDOT specifications 1.5 inch Superpave Wearing Course, which shall be completed within _____ of the date of execution of this agreement.

ARTICLE III: Owner warrants that the improvements will be properly constructed, completed according to the applicable plans and specifications, and that adequate provisions have been made to insure that the record owner of such improvements shall properly maintain same. It is hereby agreed that Township shall have no responsibility to maintain or clean the improvements and shall have complete discretion concerning what, if any, repairs are to be taken.

ARTICLE IV: The Township, by its Engineer or other designated person, will inspect the construction of the improvements at progressive stages of completion as shall be required by the Township. The owner shall reimburse Township for all inspection fees incurred by Township according to the fee schedule adopted by the Township. Such reimbursement shall be due within thirty days from posting of a claim for same from Township to Owner. No release from the cash deposit shall be made until all such outstanding claims have been paid to the Township.

The Owner may request the release of a proportionate part of the security upon the completion of all curbing and the street base coat provided such work totals at least twenty percent (20%) of the total estimated costs of the improvements. Any such requests shall be in writing addressed to the Township, which shall

have 45 days from receipt of such request within which to allow the municipal engineer to certify, in writing, that such portion of the work has been completed in accordance with the approved plan and any applicable Township ordinances or regulations. Upon certification as aforesaid, the Township shall authorize a release of the security equal to the amount estimated by the Township engineer to fairly represent the value of the improvements completed and certified. Failure by the Township to respond within the 45 day period shall be deemed an approval of the request for a release.

In the event that the engineer does not approve all or a portion of the work for which the release is requested, he shall specify in writing the nature of the objections and the steps necessary for correction and certification and forward same to Owner. Upon completion of the requested corrections, Owner shall resubmit the request for release as aforesaid. No partial release from any request shall be permitted.

The engineer's certification shall be solely for the purpose of determining that after reduction, the balance remaining of the cash deposit will be adequate to complete the remaining improvements. In no event shall the engineer's certification be construed as, nor is said certification intended as, a representation that the completed work is of any stated value, or deemed to constitute a warranty or representation as to the quality of the workmanship.

ARTICLE V: The Owner shall reimburse Township for all inspection fees incurred by Township according to the fee schedule adopted by the Township. Such reimbursement shall be due within thirty days from posting of a claim for same from Township to Owner. No release from the aforesaid fund to Owner shall be made until all such outstanding claims have been paid to the Township.

ARTICLE VI: In the event there is a difference of opinion as to the quality of the work completed, or as to the completion of the work to meet Township's specifications, the decision of Township's representative shall control the cash deposit shall be retained until it shall be released in whole or in part by the Township.

ARTICLE VII: It is intended that all improvements built pursuant to the Plan shall be private until offered for dedication and formally accepted by the Township pursuant to Article V.

ARTICLE VIII: Upon written notice from Owner, the Township agrees to make a final inspection and within 45 days refund to Owner the remaining cash deposit, less retainage for repairs as provided hereinafter, if the improvements meet Township's specifications. Despite final inspection, all improvements shall be deemed to be private improvements until such time as the same have been offered for dedication and formally accepted by the Township by ordinance, resolution, deed or other formal document.

In the event that the Township Engineer shall determine, in his sole discretion, that either the work does not comply with all applicable standards, or that work previously determined to be in compliance has been damaged or has unreasonably deteriorated, he shall notify Owner in writing of the work found to be unsatisfactory and shall provide the steps necessary to obtain compliance. Upon completion of the corrections, Owner may resubmit his request for a release as aforesaid. No final release shall be given until all costs of the Township claimed to be due from Owner have been paid.

ARTICLE IX: Legal, engineering, and observation costs, including engineering and legal costs related to preparation of this agreement and related documents, incurred by the Township through or under this Agreement in regard to all improvements set forth in Article I shall be paid by Owner within 35 days of mailing of notice of claim.

All improvements as specified herein shall be completed in accordance with the standards established and the ordinances existing as of the date of the final plan approval for _____. Should said improvements not be completed, then and in that event the Township Engineer may notify the Township that the Owner has defaulted.

ARTICLE X: The specifications for the various improvements are those set forth on a plan dated _____, Drawing No. _____, prepared by _____, known as _____. All improvements shall be constructed in compliance with the Ordinances, Resolutions and Regulations of the Township and York County (where a conflict exists the most stringent requirement shall control), all of which are by reference made a part hereof.

ARTICLE XI: The Township will, prior to the final release at the time of completion and notification by its Engineer, require retention of ten percent (10%) of the estimated costs of the improvements specified herein, which shall be retained from the cash deposit for a period of eighteen (18) months from the date the improvements are constructed and accepted by the Township. It is understood and acknowledged that no improvement shall be accepted for dedication unless Owner shall comply with all of the terms and conditions of Article V of the Township of Heidelberg Subdivision and Land Development Ordinance. Such retained funds may be applied by Township to effect repairs of the improvements if repairs are not commenced within seven (7) days of posting of notice and completed within seven (7) days of commencement.

ARTICLE XII: Owner agrees to pay all costs involved in establishing and servicing the fund.

ARTICLE XI: The following shall be considered events of default under this agreements, whereupon Township shall be entitled to demand payment in full or complete any required improvements not yet completed or to correct or repair any unacceptable improvements and (1) with respect to a default under subparagraphs a-d, thereafter demand from the aforesaid _____ payment in full for such improvements or (2) with respect to a default under subparagraph e, immediately upon notice of non-renewal demand from the aforesaid _____ in the full amount of such letter, which amount shall thereafter be held in an interest bearing account (selected by Township in its sole discretion, with interest to follow principal), pending completion of the improvements or substitution of another _____ acceptable to the Township:

- a. Failure to complete the improvements within the time limits set forth above.
- b. In the event that Township shall offer Owner the opportunity to correct a defect or damage to the improvements, failure to commence correction of same within seven (7) days of posting to Owner of written notice as aforesaid, or failure to complete such corrections within seven (7) days of commencement of correction, which period shall be extended for such time as Owner is unable to work due to acts of God; or
- c. Entry by Owner into receivership, insolvency, voluntary or involuntary bankruptcy, or in the event the property upon which the improvements are constructed are listed for

sheriff or tax sale.

In the event that the reasonable cost to complete and or repair the improvements shall exceed the amount remaining available under the fund, Owner shall remain personally liable for any such excess. Township shall have the right to collect such excess by any means legally available to it for such purpose.

ARTICLE XIV: This Agreement shall be construed, performed and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

ARTICLE XV: This Agreement is not transferable or assignable without the written consent of the Township .

ARTICLE XVI: This Agreement sets forth the entire Agreement and understanding among the parties as to the subject matter thereof and may be amended subsequent to the date hereof only in writing and if signed by the party to be bound hereby.

ARTICLE XVII: The Agreement shall be binding upon and shall inure to the benefit of the parties, their heirs, administrators, successors and assigns.

IN WITNESS THEREOF, and intending to be legally bound thereby, the parties hereto have caused these presents to be executed and their corporate seals thereunto affixed, the day and year first written above.

1)

.....

.....

HEIDELBERG TOWNSHIP

BY: _____

ATTEST: _____

EXHIBIT C

IRREVOCABLE STANDBY LETTER OF CREDIT

No. _____

TO: TOWNSHIP OF HEIDELBERG
6424 York Road
Spring Grove, PA 17362

DATE: _____

L/C #: _____

AMOUNT: _____

FROM: _____

EXPIRATION DATE: _____

PHONE: _____

ON BEHALF OF:

Name of developer

Address

Phone

_____ (hereinafter called "Bank") hereby issues to the
Heidelberg Township (hereinafter called "Issuee") on behalf of _____
(hereinafter called "Benefactor"), an irrevocable letter of credit (hereinafter called "Letter") in the amount
of _____ (\$ _____) US Dollars.

This Letter is issued on behalf of Developer and is intended to secure the completion of the public
improvements shown in the final plan and related documents submitted by developer prepared by
_____, dated _____, Project No. _____ and intended
for immediate recording (hereinafter called "Final Plan").

THIS LETTER EXPIRES _____ (not prior to one year after its date), or upon Bank's
receipt of written notification from Issuee of completion/satisfaction or the item(s) identified above as the
obligation of the Benefactor, whichever shall first occur.

The expiration date of this Letter of Credit shall be automatically extended for additional on (1) year
periods beginning with the expiration date and upon each anniversary of such date, unless at least thirty
(30) days prior to such expiration date or each anniversary of such date we notify Heidelberg Township in

writing by certified mail, addressed to Heidelberg Township at 6424 York Road, Spring Grove, PA 17362, that we elect not to renew this Letter of Credit.

For each yearly period that this Letter of Credit is automatically extended beyond _____ (one year from date), the amount of this Letter of Credit shall be increased by an additional (Sum A) or ten (10%) percent of the outstanding balance, whichever is less, but such increases shall not exceed a total of more than (Sum A x 2) in the aggregate in any event.

Partial drawings are permitted but the aggregate total may not exceed the amount stated above.

PAYMENT will be available upon presentation to the Bank of the original of this Letter, your draft in the form attached and marked exhibit "D", and a statement that the draft is being submitted pursuant to the Improvement Guarantee Agreement between the parties. Any and all drafts must be presented to the Bank on or before the expiration date herein stated by an authorized officer/agent of the Issuer. The Township Solicitor or the Township Manager shall be deemed to be acceptable officers or agents for this purpose. Any other person presenting a draft shall also present documentation acceptable to (Name of Bank) as to the identity of such officer/agent, and his/her authorization to request regular payment.

Drafts under this credit must be marked: "Drawn under Standby Letter of Credit No. _____ dated _____ from the _____ (Name of Bank)."

Very truly yours ,

Name of lender

BY: _____
Authorized signature

BY: _____
Authorized signature

EXHIBIT D

SIGHT DRAFT

REQUEST FOR FINAL PAYMENT UNDER IRREVOCABLE STANDBY LETTER OF CREDIT

TO: _____
(Name of Bank)

(Street /Mailing Address)

(City, state, zip)

RE: Irrevocable Standby Letter of Credit No. _____ dated _____
Aggregate Amount - \$ _____

On behalf of: _____
(Name of Developer)

(Street/mailling address)

(City, state, zip)

Issuee: Heidelberg Township
6424 York Road
Spring Grove, PA 17362

Heidelberg Township, Issuee above-named, hereby presents this Sight Draft – Request for Payment in accordance with the terms and conditions set forth in the above identified Irrevocable Standby Letter of Credit and by making this request the Issuee certifies as follows:

1. The Letter of Credit above referenced was issued on behalf of the Benefactor above named for the sole purpose of guaranteeing certain improvements shown on a plan prepared by (name of engineer) known as the Final Subdivision Plan for (name of developer), Drawing No. _____, dated _____.
2. The Letter of Credit above referenced has not expired by its terms nor have we, the Issuee, delivered written notification to (Name of Bank) that the item(s) identified above as the obligation of the Benefactor has been completed/satisfied; and,
3. The original of the above referenced Irrevocable Standby Letter of Credit is being presented with the Sight Draft – Request for Payment.
4. This Sight Draft – Request for Payment is in the amount of \$ _____ and as such does not exceed the aggregate amount above set forth, i.e., \$ _____.

5. This Sight Draft – Request for Payment is being presented by the Township Manager/the Township Solicitor, or if another, a duly authorized officer/agent of the Issuer, with documentation acceptable to (Name of Bank) as to the identity of such officer/agent and his/her authorization to request payment.

Dated at _____, Pennsylvania this _____ day of _____, 20__.

Heidelberg Township

By: _____

Attachments: Original of Irrevocable Standby Letter of Credit No. _____;
Issuer's officer/agent authorization.

EXHIBIT E

1. DEMAND FOR FINAL PAYMENT

TO: _____ Bank

Attention:

We hereby demand payment to the Heidelberg Township Board of Supervisors the sum of _____ Dollars and _____ Cents (\$ _____) and certify that this demand is due to failure of _____ to complete to our satisfaction improvements on _____, Drawing No. _____, dated _____, 20____, for development known as _____, recorded in _____.

ATTEST:

**HEIDELBERG TOWNSHIP BOARD OF
SUPERVISORS**

BY: _____

BY: _____

BY: _____

BY: _____

DATE: _____

EXHIBIT F

DEVELOPER'S AGREEMENT

Date

Board of Supervisors
Heidelberg Township
6424 York Road
Spring Grove, PA 17362

Re: Final Plan of (1), Developer's Agreement

Dear Board of Supervisors:

In consideration for the Board of Supervisors of the Township of Heidelberg accepting an improvement guarantee in the form of a letter of credit from (2) in the amount of (3) as security for the completion of the necessary subdivision and/or land development improvements pertaining to the final plan of (4), prepared by (5), Project No. (6), the undersigned agrees to complete all of the improvements, except as hereinafter provided, which are part of the above-referenced subdivision and/or land development on or before (7), said time being of the essence of this commitment to complete said improvements.

All improvements to be constructed and/or installed and/or financed in whole or in part by the undersigned (as well as the estimated costs of completing each) are listed on Exhibit "A" attached hereto, which is expressly made a part of this commitment to complete said improvements. The following shall be applicable to the improvements:

- A. **General Construction.** All general earthwork shall be performed in accordance with Section 200 of the Pennsylvania Department of Transportation ("PENNDOT") Publication 408, latest edition.
- B. **Inspections.** The undersigned shall notify the Township at least one full working day (24 hours) prior to the start of any improvements subject to inspection. The undersigned shall request all inspections of completed required items, in writing, at least two full working days (48 hours) in advance. The undersigned shall so notify the Township for the following activities, which the undersigned acknowledges are activities for which inspection is required:
- C. **General Site.**
 - 1. Upon completion of preliminary site preparation, including stripping of vegetation, stockpiling of topsoil and construction of temporary erosion and sedimentation control devices, but prior to rough grading.
 - 2. Upon completion of rough grading, but prior to placing topsoil, permanent drainage or other site development improvements and ground covers.
 - 3. Upon completion of storm sewer grading, but prior to backfilling

4. Upon finished grading of swales, spillways, and other facilities, but prior to placing of rock lining or grass cover.
5. Upon completion of detention basin outlet pipes, outlet structures, and anti-seep collars, but prior to backfilling.
6. Upon final completion of permanent storm water management facilities, including the establishment of ground covers and plantings.
7. After review of the as-built drawings, but prior to final release of the financial security to secure completion of the final grading and other site restoration work.

D. **Storm Water Management.**

1. The undersigned shall construct storm water management facilities as shown on the plans in order to adequately control and manage surface water. In the event that at any time during the construction period the Township Engineer determines that the storm water management facilities as designed are inadequate, the undersigned shall submit for approval a revised storm water management plan and shall make all the changes necessary to the storm water management facilities to adequately control and manage surface water. The undersigned shall obtain at its sole expense any necessary storm drainage easements. The undersigned shall insure that the owner and the Township shall enter into a separate agreement concerning the maintenance of the storm water management facilities.
2. Upon completion of storm sewer installation, but prior to backfilling.
3. Upon finished grading of swales, spillways, and other facilities, but prior to placing of rock lining or grass cover.
4. Upon completion of detention basin outlet pipes, outlet structures, and anti-seep collars, but prior to backfilling.
5. Upon final completion of permanent storm water management facilities, including the establishment of ground covers and plantings.

E. **Streets And Construction.**

1. **Preparation of Road Subgrade.** At the time of this observation, the subgrade should be proof rolled and the proposed crown and grade should be checked. It is recommended that a developer's/contractor's representative accompany the observer when the crown and grade are checked. Proof rolling should be performed with a fully loaded, tandem-axle dump truck.
2. **Placement and Compaction of Road Subbase.** At the time of this observation, the depth of subbase should be checked after compaction, the subbase should be proof rolled

in the same manner as the subgrade and the crown and grade should be checked again. This observation must occur prior to any binder or base course being placed.

3. **Placement and Compaction of the Binder/Base Course.** At the time of this observation, the depth of the binder/base course should be checked, ambient temperature should be monitored (this is important in early spring and late fall days when the temperature can go below acceptable limits), the temperature of the bituminous material should be checked (if possible), and it is recommended that copies of the weight slips for each truckload are obtained. The crown and grade should also be checked again. This observation must occur prior to the wearing course being placed.
4. **Placement and Compaction of the Wearing Course.** At the time of this observation, the guidelines for the placement and compaction of the binder/base course should be followed.
 - a. If at the time the surface course is completed, less than ninety (90) percent of the total number of lots or units of occupancy of the entire project (as opposed to ninety (90) percent of the total number of lots or units of occupancy of a particular phase) are complete, the Township shall require the posting of an agreement and financial security to secure against street damage caused by construction of the remaining lots or units of occupancy. Said agreement shall be in a form acceptable to the Township, and the financial security shall be of the same type as otherwise required in Section 509 of the Pennsylvania Municipalities Planning Code (MPC) with regard to installation of such improvements and the amount of such financial security shall be five (5) percent of the actual cost of the installation of the said street and related improvements or portion thereof. The agreement and financial security shall be irrevocable and remain in effect until such time as a minimum ninety (90) percent of the total number of lots or units of occupancy of the entire project (as opposed to ninety (90) percent of the total number of lots or units of occupancy of a particular phase) are completed. The Township shall hold such financial security and utilize it to pay for the repair of any damage occurring to the street and related improvements or portion thereof during the period between the commencement of construction of any particular lot or unit of occupancy and the completion of such construction irrespective of whether or not it can be established that the damage to the road was caused by contractors or other persons working in and about the lot or unit of occupancy. The developer shall submit a request in writing for the release of the agreement and financial security provided to secure against street damage caused by construction of the remaining lots or units of occupancy.
5. **Signs.** The undersigned shall erect such street sign or signs, traffic control sign or signs and no parking sign or signs within the tract as shall be determined exclusively by the Township. Such signs shall be of the type, size and construction designated by the Township and shall be paid for by the undersigned. The undersigned shall also pay for the cost of any traffic studies required to be performed under the Vehicle Code and any legal and advertising costs incurred by the Township to enact the necessary traffic ordinances in connection with the erection of such signs.

F. **Prior to the submission of any final plan for (1) and prior to final release of financial security, the developer shall provide the Township with two (2) sets of paper prints of the as-built plan showing the following:**

1. Actual location of all concrete monuments which were placed to monument the right-of-way line along at least one (1) side of each street at the beginning and end of all curves including intersection radii and at all angles. When the outside perimeter of a tract falls within or along an existing road right-of-way, then the right-of-way of that roadway shall be monumented at the above referenced points.
2. Actual location of all iron pins or drill holes in curbs for all individual lot lines.
3. Actual cul-de-sac radius.
4. Actual horizontal and vertical location of cartway centerline versus right-of-way centerline.
5. Actual location of floodplain by elevation and dimension from property line.
6. Actual location and cross section of swales and accompanying easements.
7. Actual horizontal and vertical location of storm water management facilities including type and size of storm drainage pipes.
8. Detention basin:
 - a. Actual contours of the detention basin.
 - b. Actual outlet structure details including type, size and inverts of outlet pipes.
 - c. Actual elevation of the embankment and emergency spillway.
 - d. A table showing the stage/storage/discharge curve for the constructed conditions.
 - e. A table providing a comparison of the approved design vs. the as-built discharge rates from all detention facilities.

G. **Signs.** The undersigned shall erect such street sign or signs, traffic control sign or signs and no parking sign or signs within the tract as shall be determined exclusively by the Township. Such signs shall be of the type, size and construction designated by the Township and shall be paid for by the undersigned. The undersigned shall also pay for the cost of any traffic studies required to

be performed under the Vehicle Code and any legal and advertising costs incurred by the Township to enact the necessary traffic ordinances in connection with the erection of such signs.

- H. **Miscellaneous.** In addition to the above outlined observations, additional observations may be made at the request of the undersigned for reduction of financial security. Random observations will be made at the frequency desired by the Township. At the time of any of the above-listed observations, the undersigned acknowledges that all ongoing construction (i.e. storm drainage, erosion control, etc.) will also be checked for compliance with the approved plans and the findings reported. Since the above inspections are mandatory, the undersigned agrees that requests for reduction of financial security shall be submitted to coincide with the above inspections.
- I. During construction the undersigned agrees to maintain the tract in a safe and sanitary fashion and shall insure the collection and proper disposal of all waste material, such as paper, cartons and the like and shall prevent the same from being deposited, and then either thrown or blown upon the tracts adjacent to the tract or upon the tract itself.
- J. The undersigned agrees to pay all inspection fees imposed by the Township in connection with the inspection of the improvements set forth on Exhibit "A". The undersigned also agrees to reimburse the Township for the necessary legal and advertising expenses in the preparation of traffic ordinances, deeds and resolutions for the acceptance of streets, the review of improvements guarantees and like matters.
- K. In the event all of said improvements are not completed on or before (7), and all inspection fees are not paid, the undersigned acknowledges that the Township shall have the right, without further notice to the undersigned, to submit a demand to (8) for disbursement of funds under the aforesaid letter of credit. The undersigned also acknowledges that if the proceeds of such letter of credit are insufficient to pay the cost of installing or making repairs or corrections to all of the improvements covered by said letter of credit and to pay all inspection fees, the Township may, at its option, install all or part of said improvements and may institute appropriate legal or equitable actions to recover the monies necessary to complete the remainder of the improvements and to collect any inspection fees.
- L. The Township shall also have the right to demand payment of all or a portion of the letter of credit in the event the Township receives notice that the letter of credit will be canceled or terminated prior to the time that all of the improvements have been completed and approved by the Township Engineer. Furthermore, in accordance with the provisions of Section 509 of the Pennsylvania Municipalities Planning Code ("MPC"), the undersigned agrees to post additional security with the Township if, as a result of annual adjustments concerning the estimated cost for the completion of the remaining improvements, such additional security is necessary to assure that the financial security in effect at that time equals one hundred ten (110%) percent of the estimated cost of completion calculated in the manner required by said Section 509 of the MPC.
- M. With respect to any of the improvements which are dedicated to and accepted by the Township following completion, the undersigned, if required to do so by the Township, shall post financial security or otherwise guarantee the 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, if required, shall be in the form and in the amount required by Section 509 of the MPC.

- N. The construction of all improvements shall be completed in strict conformity to the specifications and regulations of the Township, the County and the Pennsylvania Department of Transportation. The undersigned shall comply with all applicable requirements regarding the development of steep slopes.
- O. The Township, its agents, servants and employees, shall have no responsibility or liability with regard to the design, inspection, observation and/or installation of the improvements which are to be installed in connection with the development of this subdivision, and the undersigned shall indemnify and hold harmless the Township, its agents, servants and employees, from any costs of investigation or defense, attorneys' fees, claims, liability or damages arising therefrom.
- P. In the event any existing Township streets, drainage structures or other facilities are disturbed, subjected to excessive wear and tear, damaged or destroyed during the course of the development of the tract or the installation of the above-described subdivision or land development improvements, including but not limited to damages resulting from openings into Township streets to install underground facilities or resulting from travel or use by vehicles or construction equipment, the undersigned agrees, at its cost, to repair or, if necessary, replace such Township facilities.
- Q. This commitment shall be binding upon the successors and assigns of the undersigned.
- R. Unless the contrary clearly appears from the context, for the purposes of this document the singular number includes the plural number and vice versa; and each gender includes the other genders.

IN WITNESS WHEREOF, the undersigned, intending to be legally bound by the herein stated commitments, has signed this letter this ____ day of _____, 20__.

(Individual or Husband and Wife Developer)

_____(SEAL)
(Signature of Individual)

_____(SEAL)
(Signature of Spouse if Husband
and Wife are Co-Developers)

Witness:

Trading and doing business as:

(Partnership Developer*)

(Name of Partnership)

Witness:

By: _____ (Seal)
Partner

By: _____ (Seal)
Partner

By: _____ (Seal)
Partner

*All Partners must execute this Agreement

(Corporation Developer)

(Name of Corporation)

ATTEST:

By: _____
(Assistant) Secretary

By: _____
(Vice) Chairperson or
**Authorized Representative

[CORPORATE SEAL]

**Attach appropriate proof, dated as of the same date as the Agreement, evidencing authority to execute on behalf of the corporation.

Instructions to Complete Developer's Letter-Agreement Regarding Subdivision and/or Land Development Improvements

1. Name of subdivision and/or land development
2. Name of lending institution issuing letter of credit.
3. Amount of letter of credit.
4. Full name of developer.
5. Name of firm which prepared subdivision or land development plan.
6. Drawing or Project Number of plan assigned by firm which prepared plan.
7. Date by which all improvements is (are) to be completed.
8. Name of lending institution issuing letter of credit.

EXHIBIT G

STORM WATER MANAGEMENT AGREEMENT AND DECLARATION OF EASEMENT

THIS AGREEMENT AND DECLARATION OF EASEMENT made this _____ day of _____, 20____, by and between **TOWNSHIP OF HEIDELBERG**, York County, Pennsylvania, a municipal corporation duly organized under the laws of the Commonwealth of Pennsylvania, with its municipal office located at 6424 York Road, Spring Grove, Pennsylvania, 17362 (hereinafter referred to as the "Township"), and _____, a _____ with offices located at _____ (hereinafter whether singular or plural referred to as the "Grantor").

BACKGROUND

Grantor is the owner of premises located at _____, in the Township of Heidelberg, York County, Pennsylvania, as more specifically described in a deed recorded in Deed Book _____, Volume _____, Page _____ in the Office of the Recorder of Deeds in and for York County, Pennsylvania, and as shown on the plan for _____, prepared by _____, Drawing No. _____, dated _____, last revised _____, (hereinafter referred to as the "Premises").

Prior to beginning construction on any subdivision, Grantor is required, under the Heidelberg Township Subdivision and Land Development Ordinance (the "Township Ordinance") to file a plan with the Township and obtain approval from the Board of Supervisors. The Heidelberg Township Storm Water Management Ordinance requires the Grantor to provide for the maintenance of the storm water management facilities. The Ordinance requires that Grantor's final plan reflect and/or be accompanied with supporting documentation which identifies the ownership of, and the method of administering and maintaining, all permanent storm water management facilities.

The purpose of this Agreement and Declaration of Easement is to describe the ownership and maintenance responsibilities for the storm water facilities which will be installed on the Premises and to impose the ownership and maintenance responsibilities upon Grantor, his heirs, personal representatives and assigns and upon successor owners of the Premises, and set forth the rights of the Township.

NOW, THEREFORE, intending to be legally bound hereby and in consideration of receiving approval of its Storm Water Management Plan from the Board of Supervisors, and in consideration of receiving permits from the Township to develop the Premises, Grantor, for Grantor and the heirs, personal representatives and assigns of Grantor, covenant and declare as follows:

1. The storm water facilities will be owned by Grantor, his heirs, personal representatives, successors and assigns.
2. All drainage courses, swales, storm water inlets, pipes, conduits, detention basins and other storm water facilities shall be installed, constructed and maintained by Grantor, his heirs, personal representatives, successors and assigns, in a first-class condition in conformance with the Final Plan,

as approved by the Board of Supervisors, including any accompanying storm water management plans and information, and as recorded in the Office of the Recorder of Deeds in and for of York County, and in compliance with the regulations of the Township Ordinance and in a manner sufficient to meet or exceed the performance standards and specifications set forth on the Final Plan, as approved by the Board of Supervisors, including any accompanying storm water management plans and information, and as recorded in the Office of the Recorder of Deeds in and for York County. These responsibilities shall include, but not be limited to, the following:

- a. Liming, fertilizing, seeding and mulching of vegetated channels and all other unstabilized soils or areas according to the specifications in the "Erosion and Sediment Pollution Control Manual" published by the Pennsylvania Department of Environmental Protection or such similar accepted standard.
- b. Reestablishment of vegetation by seeding, mulching and use of erosion matting or sodding of scoured areas or areas where vegetation has not been successfully established.
- c. Mowing as necessary to maintain adequate stands of grass and to control weeds. Chemical weed control may be used if federal, state and local laws and regulations are met. Selection of seed mixtures shall be subject to approval by the Township.
- d. Removal of silt from all permanent structures which trap silt or sediment in order to keep the material from building up in grass waterways and thus reducing their capacity.
- e. Regular inspection of the areas in question to assure proper maintenance and care.
- f. All pipes, swales and detention facilities shall be kept free of any debris or other obstruction, including ice and snow.

Grantor, his heirs, personal representatives, successors and assigns, shall be responsible for performing the foregoing maintenance.

3. Grantor, for himself, his heirs, personal representatives, successors and assigns, agrees that the failure to maintain all drainage courses, swales, storm water inlets, pipes, conduits, detention basins, and other storm water management facilities in a first-class condition in conformance with this Agreement, the Township Ordinance and the Final Plan, as approved by the Board of Supervisors, including any accompanying storm water management plans and information, and as recorded in the Office of the Recorder of Deeds in and for York County, shall constitute a nuisance and shall be abatable by the Township as such.
4. Grantor, for himself, his heirs, personal representatives, successors and assigns, authorize the Township, at any time and from time to time, by its authorized representatives, to enter upon the Premises to inspect the storm water facilities.
5. The Township may require that Grantor, and assigns or any future owner or occupier of the Premises or any part thereof, take such corrective measures as the Township may deem reasonably necessary to bring the Premises into compliance with this Agreement, with the Township Ordinance, and with the Final Plan, as approved by the Board of Supervisors, including any accompanying storm water management plans and information, and as recorded in the Office of the Recorder of Deeds in and for York County.

6. Upon the failure of the owner or occupier of the Premises or any part thereof to comply with the terms of this Storm Water Management Agreement or to take corrective measures following reasonable notice from the Township, the Township, through its authorized representatives, may take such corrective measures as it deems reasonably necessary to bring the Premises into compliance with this Agreement, with the Township Ordinance and with the Final Plan, as approved by the Board of Supervisors, including any accompanying storm water management plans and information, and as recorded in the Office of the Recorder of Deeds in and for York County, including, but not limited to, the removal of any blockage or obstruction from drainage pipes and swales, and may charge the cost thereof to Grantor, his heirs, personal representatives, successors and assigns, or any owner of the Premises or any part thereof and, in default of such payment, may cause a municipal lien to be imposed upon the Premises or any part thereof.
7. If ownership or maintenance responsibility of the storm water management facilities is assigned to a home owners' association, condominium unit owners' association, or similar entity, the Township shall be notified. If such association fails to properly maintain the storm water management facilities, the Township shall have the same rights granted to municipalities under Section 705 of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, with reference to maintenance of common open space, to maintain the storm water management facilities. Any association so formed shall enter into an agreement with the Township recognizing its duties and the Township's rights under this Agreement.
8. Grantor hereby imposes upon the Premises for the benefit of all present and future owners of the Premises or part of the Premises, the Township, and all other property owners affected by the storm water facilities, the perpetual right, privilege and easement for the draining of storm water in and through the drainage courses, swales, storm water inlets, pipes, conduits, detention basins and other storm water facilities depicted on the plan or plans submitted to the Township or hereafter made of record and now or hereafter installed on or constructed upon the Premises and, in addition, easements of access to the storm water facilities.
9. Grantor agrees to indemnify the Township and all of its elected and appointed officials, agents and employees (hereafter collectively referred to as the "Indemnitees") against and hold Indemnitees harmless from any and all liability, loss or damage, including attorneys' fees and costs of investigation and defense, as a result of claims, demands, costs or judgments against Indemnitees which arise as a result of the design, installation, construction or maintenance of the storm water facilities.
10. Grantor's personal liability under this Agreement shall cease at such time as (a) all storm water management facilities have been constructed in accordance with the specifications of the Heidelberg Township Subdivision and Land Development Ordinance and the approved plans; (b) the storm water management facilities have been inspected and approved by the Township Engineer; (c) all financial security, including any maintenance security, posted by Grantor has been released by the Township; and (d) Grantor has transferred all lots to be created from the Premises to third parties. Notwithstanding the foregoing, Grantor's personal liability shall continue for any violations of this

Agreement and Declaration of Easement which occurred during the time that Grantor owned the Premises or any lot created from the Premises or in the event the storm water management facilities were not completed, inspected or approved as set forth in (a) through (c) herein.

11. It is the intent of the parties to this Agreement that personal liability and maintenance obligations shall pass to subsequent title owners upon change in ownership of the Premises or any lot created from the Premises, and such subsequent owners shall assume all personal liability and maintenance obligations for the time period during which they hold title. Personal liability shall remain for any violations of this Agreement and Declaration of Easement which occurred during the period in which an owner held title.
12. This Agreement and Declaration of Easement shall be binding upon the Grantor, the successors and assigns of Grantor, and all present and future owners of the Premises or any part thereof and is intended to be recorded in order to give notice to future owners of the Premises of their duties and responsibilities with respect to the storm water facilities. Grantor shall include a specific reference to this Agreement in any deed of conveyance for the Premises or any part thereof.
13. This Agreement and Declaration of Easement may be amended only by written instrument signed on behalf of all owners of the Premises and the Township.
14. When the sense so requires, words of any gender used in this Agreement and Declaration of Easement shall be held to include any other gender, and the words in the singular number shall be held to include the plural, and vice versa.

IN WITNESS WHEREOF, the undersigned have caused this Agreement and Declaration to be executed on the day and year first above written.

TOWNSHIP OF HEIDELBERG

Attest: _____
(Assistant) Secretary

By: _____
(Vice) Chairperson Board of Supervisors

[TOWNSHIP SEAL]

(Individual Developer)

Witness:

(Signature of Individual) (SEAL)

Trading and doing business as:

(Partnership Developer*)

Witness:

(Name of Partnership)

By: _____ (SEAL)
Partner

By: _____ (SEAL)
Partner

By: _____ (SEAL)
Partner

*All Partners must execute this Agreement

(Corporation Developer)

(Name of Corporation)

ATTEST:

By: _____
(Assistant) Secretary

By: _____
(Vice) Chairperson

[CORPORATE

SEAL]

TOWNSHIP ACKNOWLEDGEMENT

[illegible]

On this ____ day of _____, 20____, before me, the undersigned officer, a notary public in and for the aforesaid Commonwealth and County, personally appeared _____, who acknowledged ____self to be (Vice) Chairperson of the Board of Supervisors of the Township of Heidelberg, York County, Pennsylvania, and that _____, as such officer, being authorized to do so, executed the foregoing Storm Water Management Agreement and Declaration of Easement, for the purposes therein contained, by signing the name of such Township by _____self as such officer.

IN WITNESS WHEREOF, I set my hand and official seal.

Notary Public

My commission expires:

INDIVIDUAL DEVELOPER ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF YORK)

On this the ____ day of _____, 20____, before me, the subscriber, a notary public in and for the aforesaid Commonwealth and County, came the above-named _____, known to me, (or satisfactorily proven) to be the person whose name is subscribed on the within instrument and acknowledged the foregoing Storm Water Management Agreement and Declaration of Easement to be ___ act and deed and desired the same to be recorded as such.

Witness my hand and notarial seal.

Notary Public

My commission expires: _____

PARTNERSHIP DEVELOPER ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF YORK)

On this _____ day of _____, 20____, before me, a notary public, the undersigned officer, personally appeared _____, who acknowledged themselves to be all of the partners of _____, a _____ partnership, and that they, as such partners, being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing the name of the partnership by themselves as such partners.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Notary Public

My commission expires:

CORPORATE DEVELOPER ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF YORK)

On this _____ day of _____, 20____, before me, a Notary Public, the undersigned officer, personally appeared _____, who acknowledged ___self to be the _____ of _____, a corporation, and that as such officer being authorized to do so, acknowledged the foregoing instrument for the purpose therein contained, by signing the name of the corporation by _____self as _____.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

Notary Public

My commission expires:

JOINDER BY MORTGAGEE

_____ ("Mortgagee") as holder of a certain mortgage on the within-described Premises, which mortgage, in the amount of \$_____, is dated _____, 19__ /20__, and is recorded or is about to be recorded in the Recorder of Deeds Office in and for York County, Pennsylvania, as well as any other mortgages which Mortgagee may now or hereafter hold on the Premises (all such mortgages hereinafter collectively referred to as the "Mortgages"), joins in, consents to, and expressly approves the grant of easements and other rights and privileges described in the attached Storm Water Management Agreement and Declaration of Easement (the "Agreement").

The Mortgagee, for itself, its successors and assigns (which shall include any assignee of the Mortgages and any purchaser of the Premises at a sale in foreclosure of the Mortgages or otherwise), hereby covenants and agrees that the rights and privileges herein granted with respect to the Premises shall not be terminated or disturbed by reason of any foreclosure or other action which may be instituted by the Mortgagee, its successors and assigns, as a result of any default under the Mortgages or the debt instruments that such Mortgages secure. Mortgagee by consenting to the Agreement shall not by virtue of its interest as Mortgagee be deemed to have undertaken any of the obligations of the Grantor under the Agreement, including but not limited to construction, maintenance, inspection or indemnification.

IN WITNESS WHEREOF, Mortgagee hereby joins in the execution of the Agreement as of this _____ day of _____, 20__.

(Name of Mortgagee)

ATTEST: _____

By: _____

[SEAL]

MORTGAGEE ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF YORK)

On this, the ____ day of _____, 20__, before me, a Notary Public, the undersigned officer, personally appeared _____, who acknowledged ____self to be the _____ of _____, a corporation, and that as such officer being authorized to do so, acknowledged the foregoing instrument for the purpose therein contained by signing the name of the Bank by __self as _____.

Notary Public

My Commission Expires:

The undersigned hereby consents to and joins in the attached Storm Water Management Agreement and Declaration of Easement (the "Agreement"). The undersigned shall maintain all storm water management facilities in accordance with the terms and provisions of the Agreement and in accordance with any separate Declaration of Restrictions. The undersigned specifically agrees that the Township shall have the rights referred to in Paragraph 7 of the Agreement.

IN WITNESS WHEREOF, the undersigned, intending to be legally bound, hereby consents to and joins in the Agreement.

Attest: _____
(Assistant) Secretary

By: _____
(Vice) Chairperson

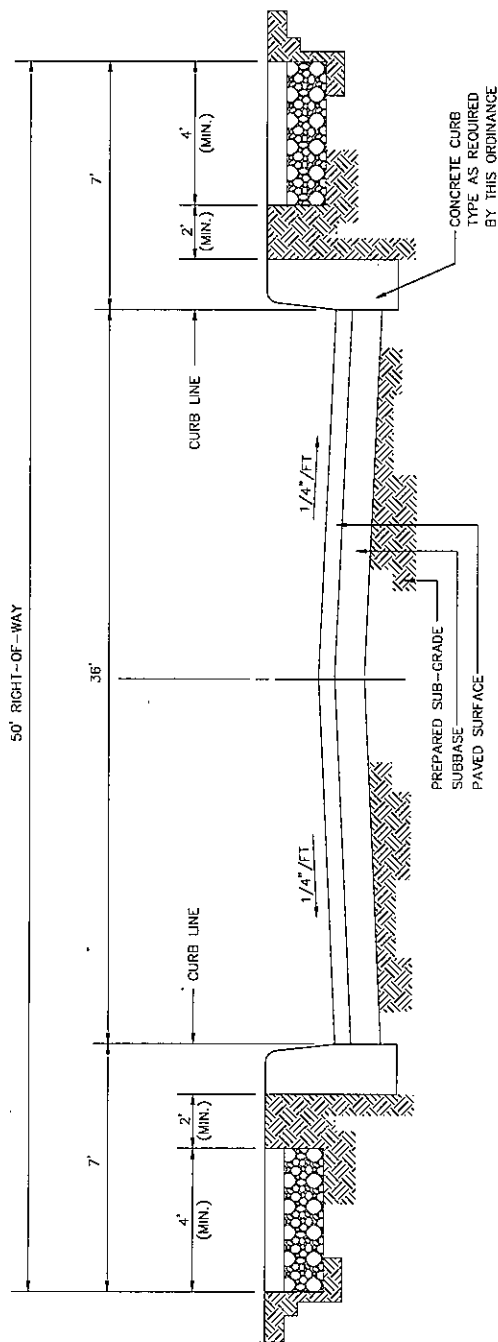
[SEAL]

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF YORK) SS:

On this _____ day of _____, 20____, before me, a Notary Public, the undersigned officer, personally appeared _____, who acknowledged ____self to be the _____ of _____, a nonprofit corporation, and that as such officer being authorized to do so, acknowledged the foregoing instrument for the purpose therein contained, by signing the name of the corporation by _____ self as _____

Notary Public

My commission expires:



TYPICAL LOCAL STREET CROSS SECTION

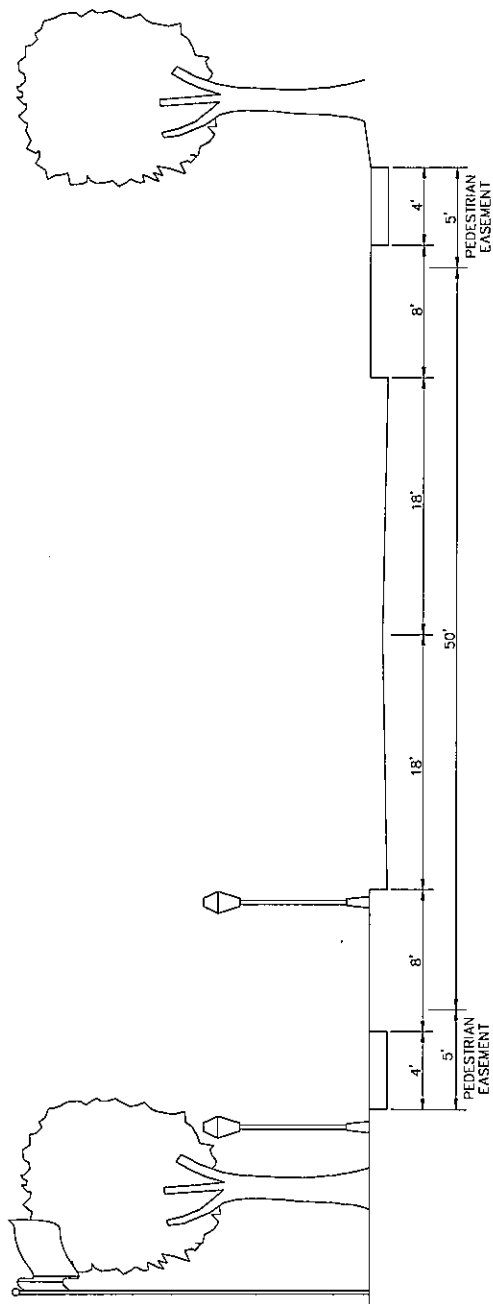
NOT TO SCALE

- NOTES:
1. ALL AREAS ADJACENT TO CURBS, INLETS, MANHOLE COVERS ETC., ARE TO BE SEALED WITH PG 64-22 FOR A DISTANCE OF TWELVE (12) INCHES FROM THE CURB, ETC.
 2. THE TOWNSHIP OR THEIR AGENT SHALL INSPECT ALL WORK IN ACCORDANCE WITH THIS ORDINANCE.
 3. MATERIALS, EQUIPMENT AND METHODS SHALL CONFORM TO PennDOT PUBL. 408, CURRENT VERSION.
 4. VIBRATORY ROLLER REQUIRED FOR COMPACTION OF BITUMINOUS MATERIAL.
 5. STORM SEWER INLETS SHALL BE PennDOT TYPE-C IN ALL CURBED STREETS.

STREET CONSTRUCTION MATERIALS

BASE COURSE	PAVED SURFACE
6" 2A STONE, SUPERPAVE BASE COURSE, PG 64-22, 0.0/0.3 ESALS, 4" OF 25.0 mm MIX AND 2" OF 19.0 mm MIX	SUPERPAVE WEARING COURSE, PG 64-22, 0.0/0.3 ESALS, 1.5" OF 9.5 mm MIX

*NOTE: ALL DEPTHS IN TABLE ABOVE REPRESENT
COMPACTED MATERIAL DEPTH.



STREET SECTION FOR COLLECTOR STREET

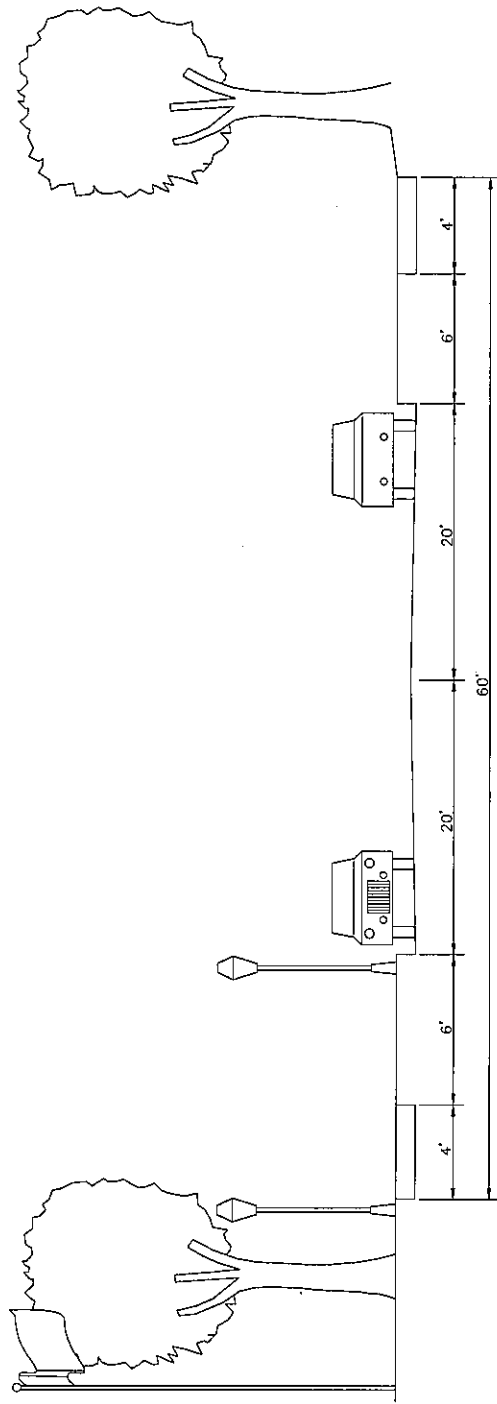
NOT TO SCALE

- NOTES:
1. ALL AREAS ADJACENT TO CURBS, INLETS, MANHOLE COVERS ETC., ARE TO BE SEALED WITH PG 64-22 FOR A DISTANCE OF TWELVE (12) INCHES FROM THE CURB, ETC.
 2. THE TOWNSHIP OR THEIR AGENT SHALL INSPECT ALL WORK IN ACCORDANCE WITH THIS ORDINANCE.
 3. MATERIALS, EQUIPMENT AND METHODS SHALL CONFORM TO PennDOT PUBL. 408, CURRENT VERSION.
 4. VIBRATORY ROLLER REQUIRED FOR COMPACTION OF BITUMINOUS MATERIAL.
 5. STORM SEWER INLETS SHALL BE PennDOT TYPE-C IN ALL CURBED STREETS.

STREET CONSTRUCTION MATERIALS

BASE COURSE	PAVED SURFACE
6" 2A STONE SUPERPAVE BASE COURSE, PG 64-22, 0.0/0.3 ESALS, 4" OF 25.0 mm MIX AND 2" OF 19.0 mm MIX	SUPERPAVE WEARING COURSE, PG 64-22, 0.0/0.3 ESALS, 1.5" OF 9.5 mm MIX

*NOTE: ALL DEPTHS IN TABLE ABOVE REPRESENT COMPACTED MATERIAL DEPTH.



STREET SECTION FOR ARTERIAL STREET

NOT TO SCALE

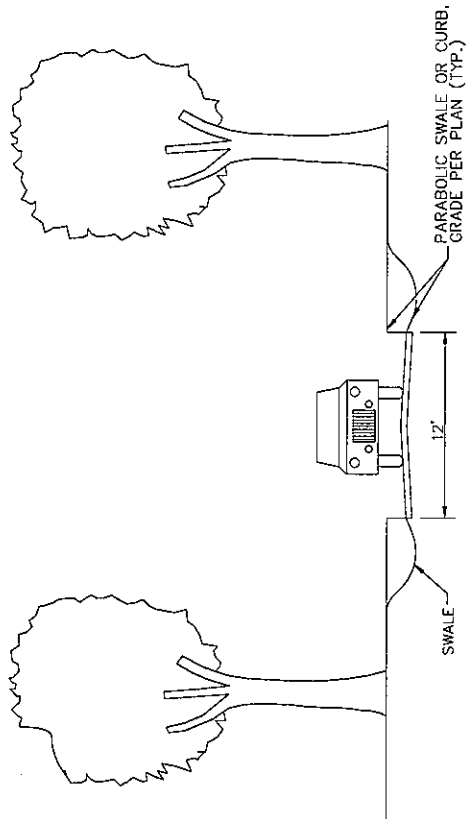
STREET CONSTRUCTION MATERIALS

BASE COURSE	PAVED SURFACE
6" 2A STONE SUPERPAVE BASE COURSE, PG 64-22, 0.0/0.3 ESALS, 4" OF 25.0 mm MIX AND 2" OF 19.0 mm MIX	SUPERPAVE WEARING COURSE PG 64-22, 0.0/0.3 ESALS, 1.5" OF 9.5 mm MIX

*NOTE: ALL DEPTHS IN TABLE ABOVE REPRESENT
COMPACTED MATERIAL DEPTH.

NOTES:

1. ALL AREAS ADJACENT TO CURBS, INLETS, MANHOLE COVERS ETC., ARE TO BE SEALED WITH PG 64-22 FOR A DISTANCE OF TWELVE (12) INCHES FROM THE CURB, ETC.
2. THE TOWNSHIP OR THEIR AGENT SHALL INSPECT ALL WORK IN ACCORDANCE WITH THIS ORDINANCE.
3. MATERIALS, EQUIPMENT AND METHODS SHALL CONFORM TO PENNDOT PUBL. 408, CURRENT VERSION.
4. VIBRATORY ROLLER REQUIRED FOR COMPACTION OF BITUMINOUS MATERIAL.
5. STORM SEWER INLETS SHALL BE PENNDOT TYPE-C IN ALL CURBED STREETS.



STREET SECTION FOR ALLEY (SERVICE, OR MARGINAL ACCESS STREET)

NOT TO SCALE

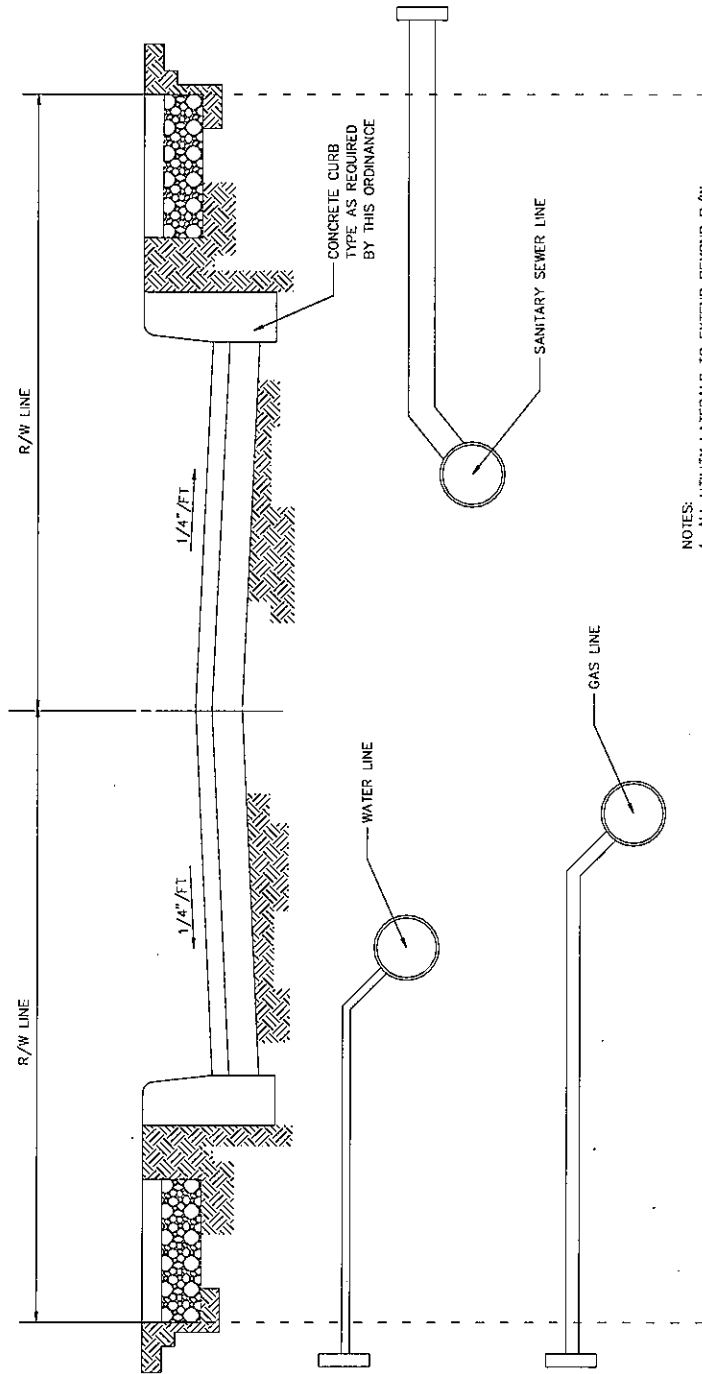
NOTES:

1. ALL AREAS ADJACENT TO CURBS, INLETS, MANHOLE COVERS ETC., ARE TO BE SEALED WITH PG 64-22 FOR A DISTANCE OF TWELVE (12) INCHES FROM THE CURB, ETC.
2. THE TOWNSHIP OR THEIR AGENT SHALL INSPECT ALL WORK IN ACCORDANCE WITH THIS ORDINANCE.
3. MATERIALS, EQUIPMENT AND METHODS SHALL CONFORM TO PennDOT PUBL. 408, CURRENT VERSION.
4. VIBRATORY ROLLER REQUIRED FOR COMPACTION OF BITUMINOUS MATERIAL.
5. STORM SEWER INLETS SHALL BE PennDOT TYPE-C IN ALL CURBED STREETS.
6. MARSHALL MIX PAVING MAY BE USED IN LIEU OF SUPERPAVE MATERIALS.

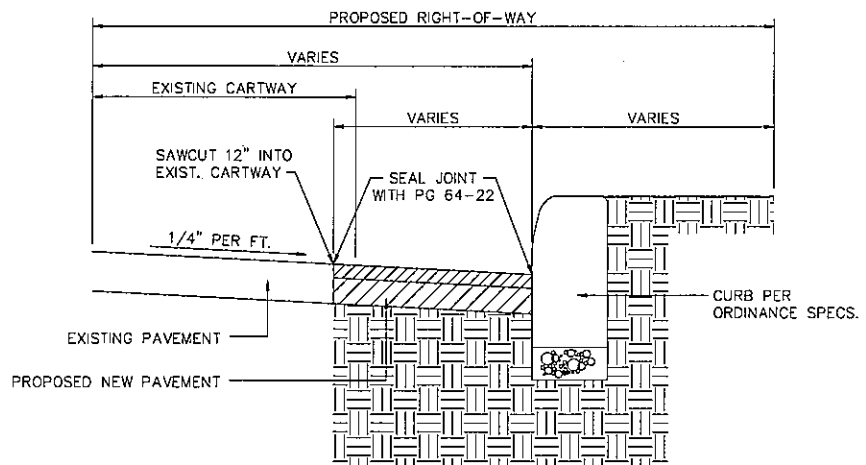
STREET CONSTRUCTION MATERIALS

BASE COURSE	PAVED SURFACE
6" 2A STONE, SUPERPAVE BASE COURSE, PG 64-22, 0.0/0.3 ESALS, 4" OF 25.0 mm OR 19.0 mm MIX	SUPERPAVE WEARING COURSE, PG 64-22, 0.0/0.3 ESALS, 1.5" OF 9.5 mm MIX

*NOTE: ALL DEPTHS IN TABLE ABOVE REPRESENT
COMPACTED MATERIAL DEPTH.



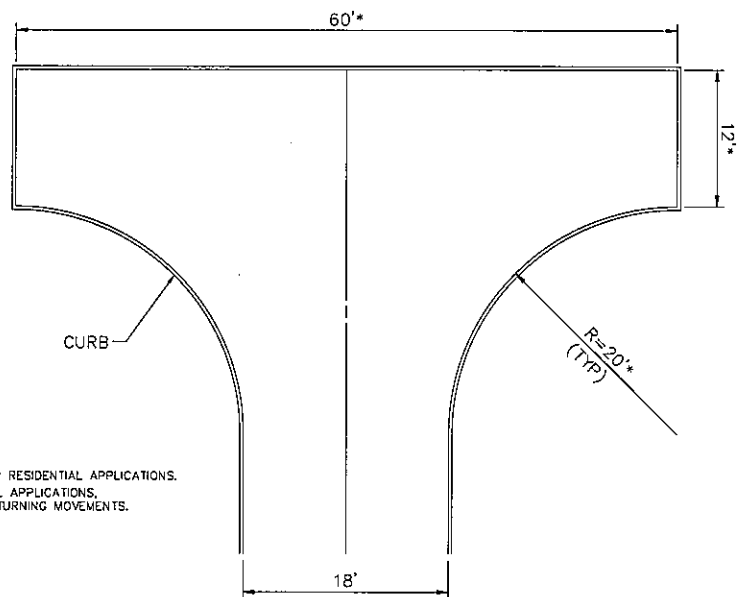
TYPICAL UTILITY INSTALLATION



ROAD WIDENING DETAIL

NOT TO SCALE

REV.

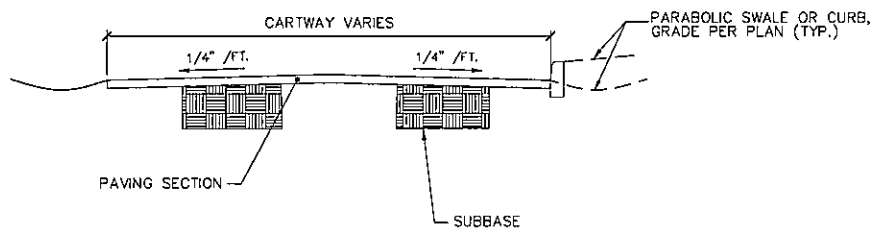


NOTES:

- * DIMENSIONS SHOWN ARE FOR RESIDENTIAL APPLICATIONS.
- * FOR INDUSTRIAL/COMMERCIAL APPLICATIONS,
DESIGN FOR WB-50 TRUCK TURNING MOVEMENTS.

"T"-SHAPED TURN-AROUND
(FOR SPECIAL PURPOSE STREETS AND ALLEYS)

NOT TO SCALE



TYPICAL ACCESS DRIVE CROSS SECTION

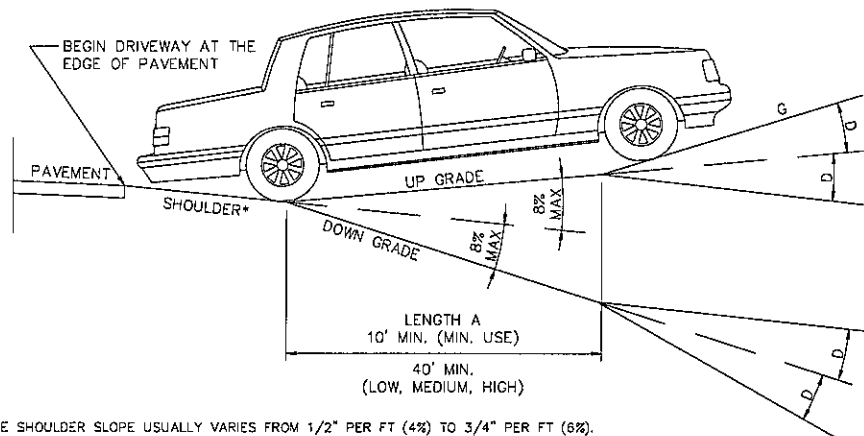
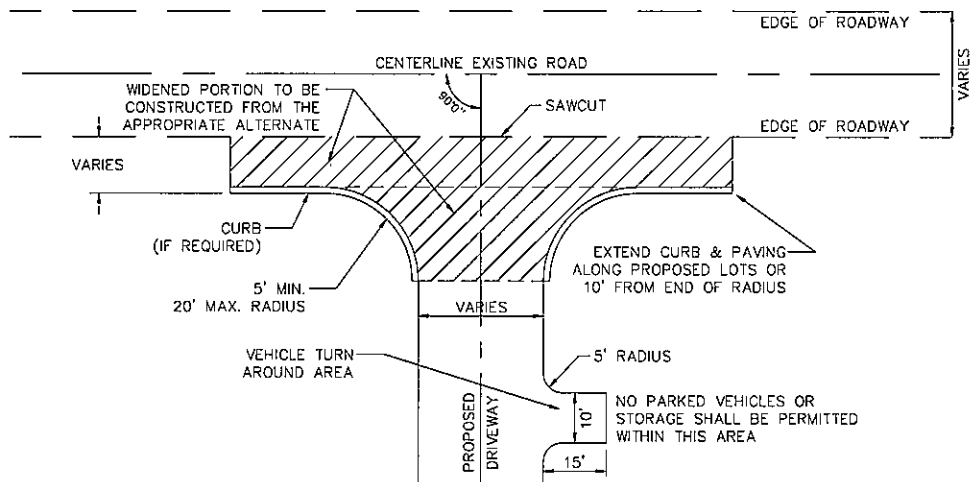
NOT TO SCALE

REV:

ACCESS DRIVE CONSTRUCTION MATERIALS

BASE COURSE	PAVED SURFACE
6" 2A STONE, SUPERPAVE BASE COURSE, PG 64-22, 0.0/0.3 ESALS, 4" OF 25.0 mm MIX AND 2" OF 19.0 mm MIX	SUPERPAVE WEARING COURSE, PG 64-22, 0.0/0.3 ESALS, 1.5" OF 9.5 mm MIX

*NOTE: ALL DEPTHS IN TABLE ABOVE REPRESENT
COMPACTED MATERIAL DEPTH.



*THE SHOULDER SLOPE USUALLY VARIES FROM 1/2" PER FT (4%) TO 3/4" PER FT (6%). HOWEVER, THE SHOULDER SLOPE SHOULD BE MAINTAINED WHEN CONSTRUCTING THE DRIVEWAY.

FOR GRADE CHANGES GREATER THAN THOSE SHOWN ABOVE, VERTICAL CURVES AT LEAST 10 FEET LONG SHALL BE CONSTRUCTED AND LENGTH "A" SHALL BE INCREASED.

GRADES (G) SHALL BE LIMITED TO 15% FOR MINIMUM USE OF DRIVEWAYS AND FROM FIVE PERCENT TO EIGHT PERCENT FOR LOW, MEDIUM OR HIGH VOLUME DRIVEWAYS WITHIN THE RIGHT-OF-WAY.



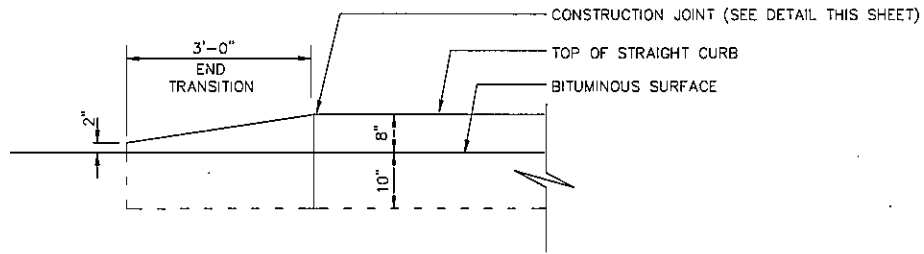
TYPICAL DRIVEWAY

NOT TO SCALE

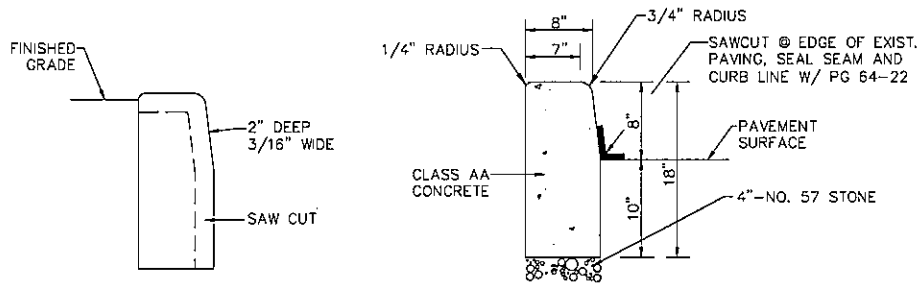
REV:

MAXIMUM GRADE CHANGE (D)

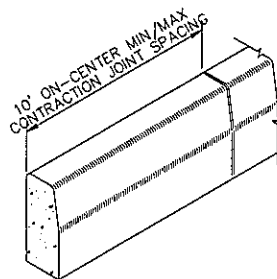
	DESIRABLE	MAXIMUM
HIGH VOLUME DRIVEWAY	0%	±3%
MEDIUM VOLUME DRIVEWAY	±3%	±6%
LOW VOLUME DRIVEWAY	±6%	CONTROLLED BY VEHICLE CLEARANCE



TYPICAL CURB END
NOT TO SCALE

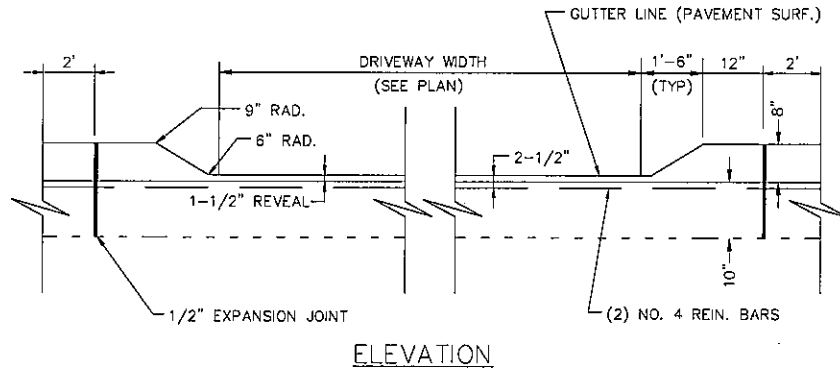
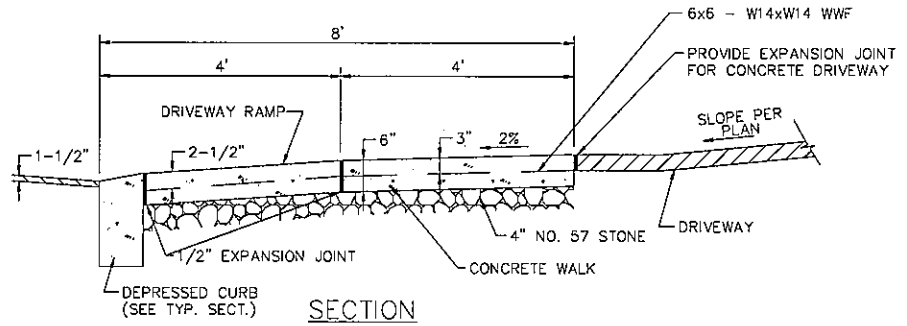


CONTRACTION JOINT TYPICAL CROSS SECTION



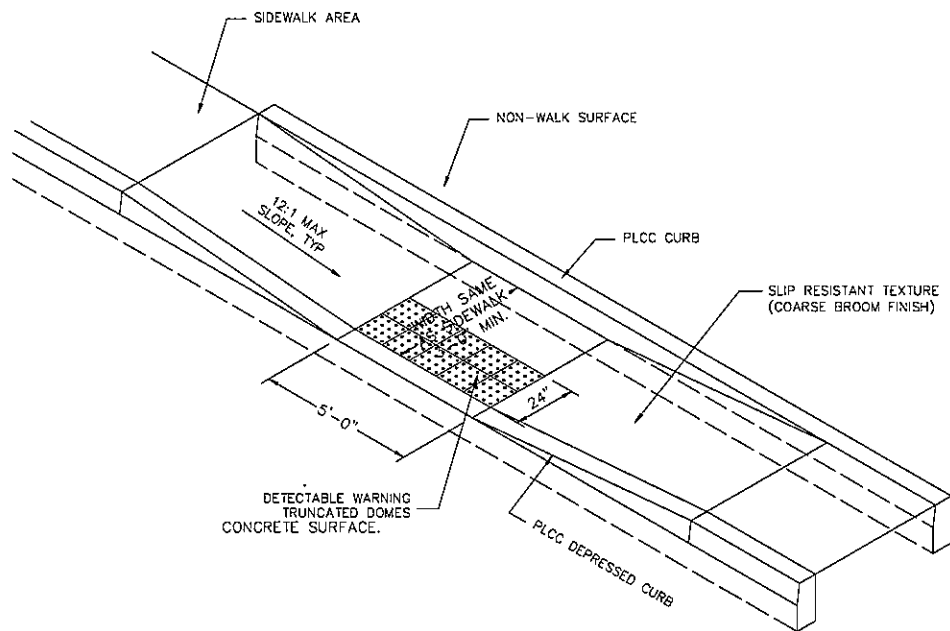
PLAIN CEMENT CONCRETE CURB

TYPICAL VERTICAL CURB DETAIL
NOT TO SCALE



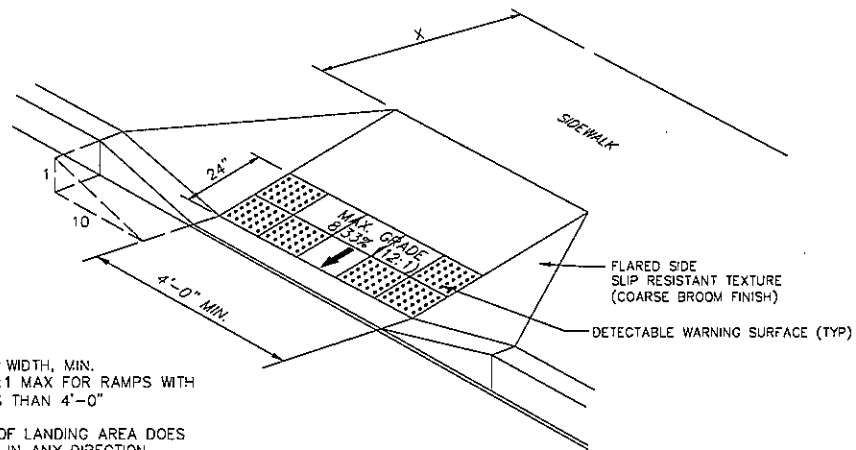
○ DEPRESSED CURB AT DRIVEWAY
NOT TO SCALE

REV:



TYPE 2 CURB RAMP

NOT TO SCALE



NOTE:

*4'-0" LANDING WIDTH, MIN.
SIDE FLARES 12:1 MAX FOR RAMPS WITH
A LANDING LESS THAN 4'-0"

*CROSS SLOPE OF LANDING AREA DOES
NOT EXCEED 2% IN ANY DIRECTION.

TYPE 1 CURB RAMP

NOT TO SCALE

NOTE:

THESE ARE MINIMUM STANDARDS. ALL CURB RAMPS
SHALL COMPLY WITH ALL LATEST ADA REQUIREMENTS.



NOT TO SCALE

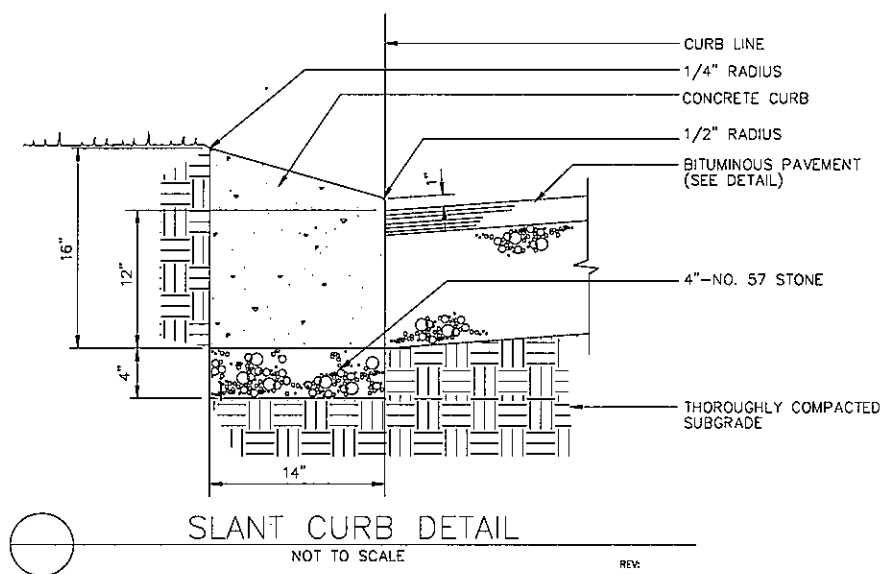
REV:

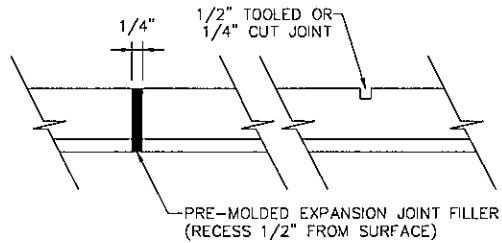


NOT TO SCALE

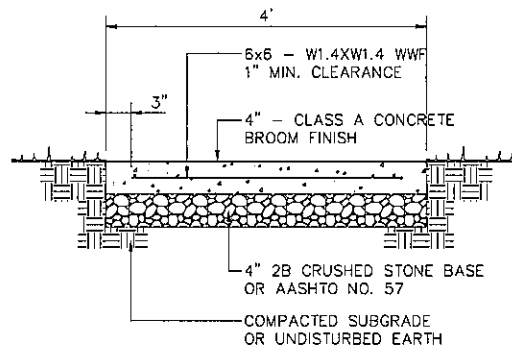
CU\CU020

THESE ARE MINIMUM STANDARDS. ALL CURB RAMPS SHALL COMPLY WITH ALL LATEST ADA REQUIREMENTS.





TYPICAL EXPANSION & CONTRACTION JOINTS



NOTES:

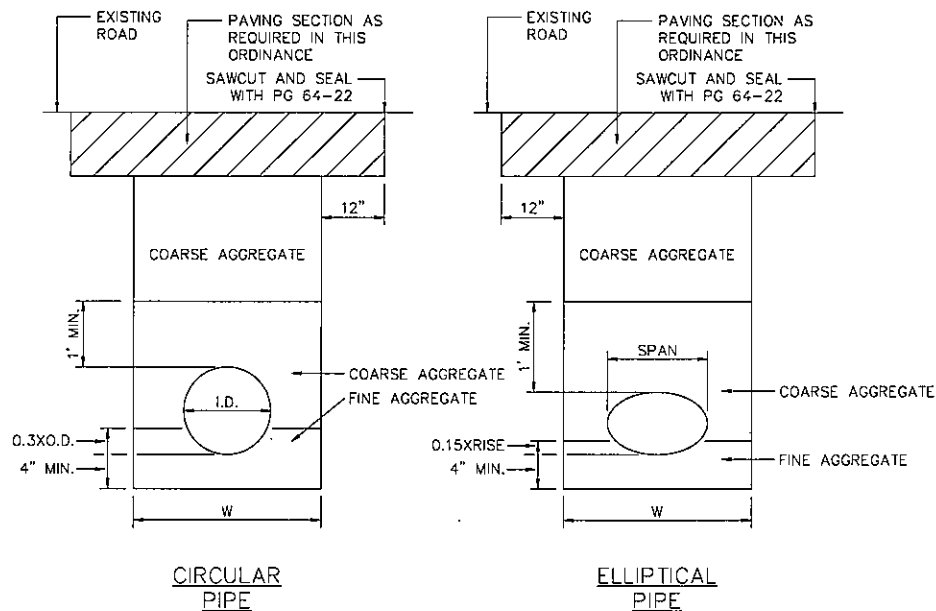
1. EXPANSION JOINTS LOCATED AT 20' O.C.
2. TOOLED JOINTS LOCATED AT 5' O.C.
3. SIDEWALK IS TO BE LIGHT BROOM FINISHED IN DIRECTION OF SIDEWALK WIDTH.
4. ALL SIDEWALKS TO HAVE A 2% CROSS SLOPE.



CONCRETE SIDEWALK DETAIL

NOT TO SCALE

REV:



TRENCH RESTORATION DETAILS – STREETS

NOT TO SCALE

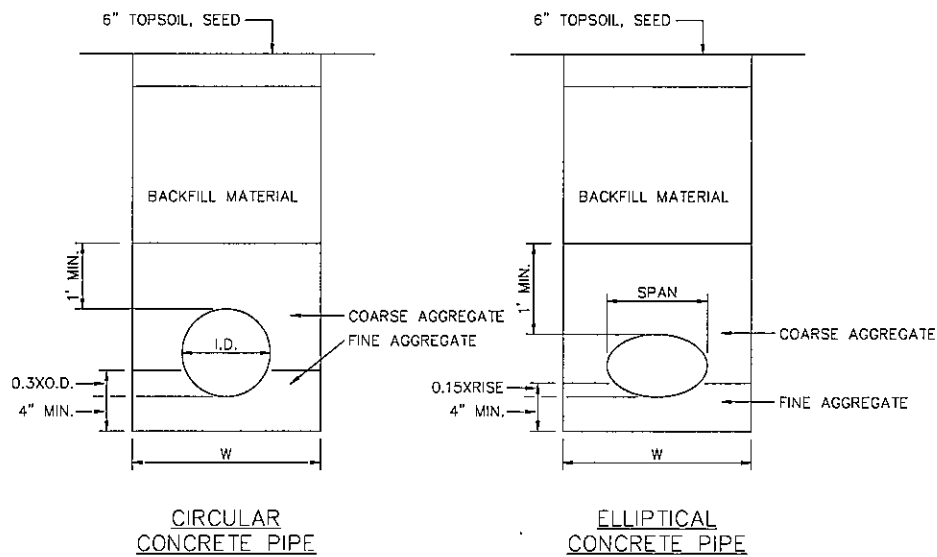
WIDTH

W=TRENCH WIDTH — $\begin{cases} 2.0 \text{ FT.} + \text{O.D. FOR PIPES OR PIPE ARCHES } 48" \text{ AND LESS I.D., OR SPAN} \\ 2.5 \text{ FT.} + \text{O.D. FOR PIPES OR PIPE ARCHES GREATER THAN } 48" \text{ I.D. OR SPAN} \\ \text{AS SPECIFIED BY BOROUGH OR AUTHORITY} \end{cases}$

1. FINE AGGREGATE SHALL BE AASHTO NO. 8 STONE.
2. COARSE AGGREGATE SHALL BE SUBBASE MATERIAL, NO. 2A, OR AS SPECIFIED.
3. OR BACKFILL MATERIAL AS SPECIFIED BY BOROUGH OR AUTHORITY.

COMPACTION REQUIREMENTS

1. THOROUGHLY COMPACT EACH LAYER OF BACKFILL WITH MECHANICAL TAMPERS OR BY OTHER ACCEPTABLE METHODS FOR THE FULL TRENCH WIDTH.
2. COMPACT TO NOT LESS THAN 100% OF THE DETERMINED DRY WEIGHT DENSITY OF THE BACKFILL MATERIAL.



TRENCH RESTORATION DETAILS – LAWN AREAS

NOT TO SCALE

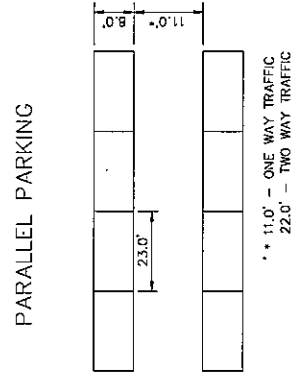
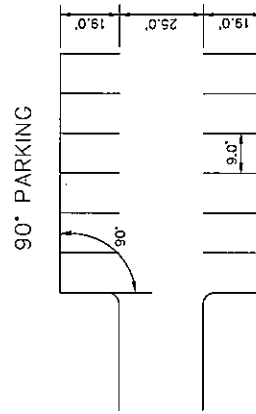
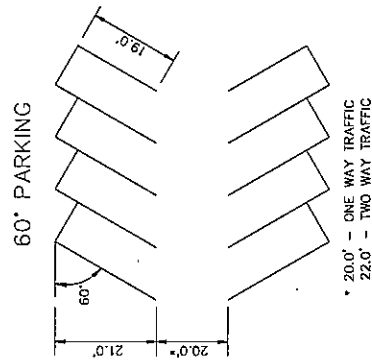
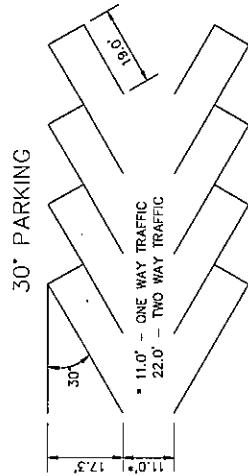
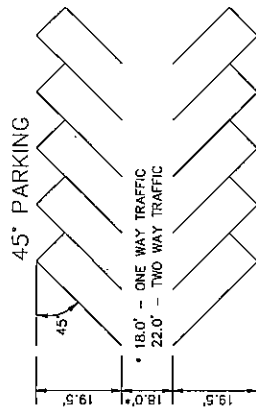
WIDTH

W=TRENCH WIDTH — $\begin{cases} 2.0 \text{ FT.} + \text{O.D. FOR PIPES OR PIPE ARCHES 48" AND LESS I.D. OR SPAN} \\ 2.5 \text{ FT.} + \text{O.D. FOR PIPES OR PIPE ARCHES GREATER THAN 48" I.D. OR SPAN} \\ \text{AS SPECIFIED BY BOROUGH OR AUTHORITY} \end{cases}$

1. FINE AGGREGATE SHALL BE AASHTO NO. 8 STONE.
2. COARSE AGGREGATE SHALL BE SUBBASE MATERIAL, NO. 2A, OR AS SPECIFIED.
3. OR BACKFILL MATERIAL AS SPECIFIED BY BOROUGH OR AUTHORITY.

COMPACTION REQUIREMENTS

1. THOROUGHLY COMPACT EACH LAYER OF BACKFILL WITH MECHANICAL TAMPERS OR BY OTHER ACCEPTABLE METHODS FOR THE FULL TRENCH WIDTH.
2. COMPACT TO NOT LESS THAN 100% OF THE DETERMINED DRY WEIGHT DENSITY OF THE BACKFILL MATERIAL.



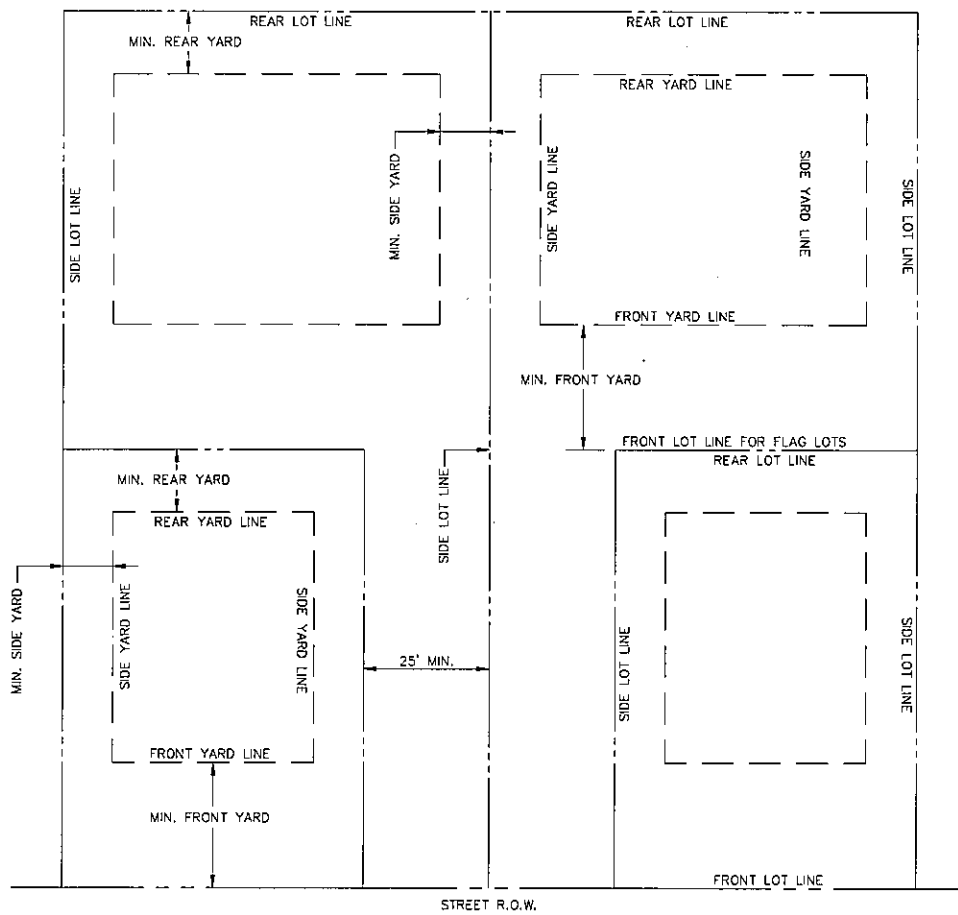
PARKING LOT MINIMUM CONSTRUCTION MATERIALS

BASE COURSE	PAVED SURFACE
6" 2A STONE, SUPERPAVE BASE COURSE, PG 64-22, 0.0/0.3 ESALS, 2" OF 19.0 mm MIX	SUPERPAVE WEARING COURSE, PG 64-22, 0.0/0.3 ESALS, 1.5" OF 9.5 mm MIX

PARKING SPACES

NOT TO SCALE

*NOTE: ALL DEPTHS IN TABLE ABOVE REPRESENT
COMPACTED MATERIAL DEPTH.



TYPICAL FLAG LOT DETAIL

NOT TO SCALE

REV:

		Minimum Safe Sight Stopping Distance Chart																					
		Roadway Grade (Percent)																					
		0	1	-1	2	-2	3	-3	4	-4	5	-5	6	-6	7	-7	8	-8	9	-9	10	-10	
Posted Speed Limit (MPH)	5	2																					
	1	4	21	21	21	21	21	21	21	22	21	22	21	22	21	22	21	22	21	22	20	23	
	0	8	48	48	47	49	47	49	47	50	46	50	46	51	46	51	46	52	45	53	45	53	
	1	8																					
	5	0	79	81	79	82	78	83	77	84	77	85	76	86	75	88	75	89	74	91	74	93	
	2	1	11	11	11	12	11	12	11	12	11	12	11	12	11	13	10	13	10	13	10	14	
	0	8	7	9	5	1	4	3	3	5	2	7	1	9	0	1	9	4	8	7	7	0	
	2	1	15	16	15	16	15	16	15	17	15	17	15	17	14	18	14	18	14	19	14	19	
	5	1	9	4	7	6	5	9	3	2	1	5	0	9	8	2	7	7	5	1	4	6	
	3	2																					
	0	0	20	21	20	21	20	22	19	22	19	23	19	23	19	24	18	24	18	25	18	26	
	3	2																					
5	6	26	26	25	27	25	28	24	28	24	29	24	29	23	30	23	31	23	32	23	33		
4	3																						
0	5	31	33	31	33	30	34	30	35	29	36	29	36	29	37	28	38	28	40	28	41		
4	3																						
5	9	38	39	37	40	37	41	36	42	35	43	35	44	34	45	34	47	33	48	33	50		
5	0	3	8	6	6	0	5	4	5	8	5	3	7	8	9	3	2	8	7	4	3		
5	6																						
0	2	45	47	44	48	43	49	42	50	42	51	41	53	40	54	40	56	39	58	39	60		
5	5																						
5	3	52	55	51	56	50	57	49	59	49	60	48	62	47	64	46	66	46	68	45	70		
5	8	7	0	7	2	8	6	9	0	0	5	2	2	5	1	7	0	1	2	4	6		
6	6																						
0	1	60	63	59	64	58	66	57	68	56	70	55	72	54	74	53	76	52	79	52	82		
6	7																						
5	8	69	72	67	74	66	76	65	78	64	80	63	82	62	85	60	87	60	91	59	94		
5	8	3	5	9	2	6	0	3	1	1	2	0	6	0	1	9	9	0	0	1	3		

Based
on the
followin
g
formula

$$SSSD = 1.47 \times V \times t + \frac{V^2}{30 \times (f \pm g)}$$

g)

HEIDELBERG TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE CHECKLIST

This insert is provided with the Subdivision Ordinance as a guideline for applicants. It is not meant to be all-inclusive and should not be substituted for a thorough reading and understanding of the Ordinance.

Please note: **Heidelberg Township requires a standard plan format be used for all plans.** Most plans will require an existing features page and existing features screened onto the proposed features page. Non conformance with these requirements will be an automatic rejection of the submission.

If you have any questions, please contact the Township at (717) 225-6606. No calls may be made to the Township Engineer until engineering escrow is provided.

GENERAL

- ☐ Standard Plan Format
- ☐ Existing Features Page
- ☐ Proposed Features Page(s) with Existing Features screened
- ☐ Application Form and Fee
- ☐ Name and Address of owner of tract or developer
- ☐ Name, Address and Phone number of Plan Preparer
- ☐ Notice of plan filing with YCPC and Township Engineer
- ☐ Plan File Number and Date, Revision Box
- ☐ Location Map and North Arrow
- ☐ Source of Title - Deed Book and Page
- ☐ York County Assessment Office Account Number
- ☐ Tax Map, Block and Parcel Number
- ☐ Zoning Information including Zoning Hearing Board Decisions
- ☐ Scale – 1 inch = 10, 20, 30, 40, 50 feet
- ☐ Bearings and Distances
- ☐ Paper, 18" x 22" or 24" x 36"
- ☐ Total Acreage of Existing Lot
- ☐ Existing Lot Line Markers
- ☐ Adjacent Landowners including Source of Title and recording reference for plans of record
- ☐ Contours
- ☐ All Physical Features located upon or within 200 feet of subject tract including, but not limited to: streets, rights-of-ways, sewer, water, buildings and structures, significant topographical features, on-lot septic and well, storm water facilities, tree masses, prime soils, underlying geology, floodplains, PNDI, Natural Habitat, Archeology sites, etc.
- ☐ Building Setback and Building Envelope
- ☐ Location, size, and finished grade of all proposed buildings or structures
- ☐ Location, size, grades, etc. of all proposed improvements including, but not limited to: streets, access drives, storm sewers, sanitary sewers, water supply, etc.
- ☐ Certifications, Notifications and Reports