

Subdivision and Land Development Ordinance

Ordinance No. 2016-01

Eden Township

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ARTICLE I

ADOPTION, AUTHORITY AND JURISDICTION

- SECTION 101** **Adoption, Authority and Repealer.**
 101.01 The Board of Supervisors of Eden Township, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, 53 P.S. 10101 et seq., hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of Eden Township.
- 101.02** All provisions of the Lancaster County Subdivision and Land Development Ordinance as amended are hereby repealed and the provisions of this Ordinance shall substitute for the former.
- SECTION 102** **Jurisdiction.**
 102.01 Reserved
- 102.02** The standards and requirements contained in this Ordinance shall apply as minimum standards for subdivisions and land developments located within Eden Township. However, when the municipal zoning ordinance, building code, road ordinance, or other ordinance, code, resolution, or regulation other than this ordinance imposes more restrictive standards and requirements than contained herein, such other standards and requirements shall prevail. These municipal standards and requirements shall be subject to enforcement by the agency assigned such jurisdiction by said ordinance, code, resolution, or regulation. All municipal ordinance requirements should be met or agreed to by the developer to the satisfaction of the municipality prior to approval of the plan by Eden Township.
- Approval of a plan shall not be construed as an indication that the plan complies with the local standard or requirement, only that the plan complies with the standards of this Ordinance and relevant requirements of law.
- 102.03** With the Exception of Sections 102.04 and 102.05, 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 in and for Lancaster County, Pennsylvania, prior to the effective date of these regulations.
- 102.04** The provisions of this Ordinance shall not affect an application for approval of a Preliminary or Final Plan which is pending Lancaster County Planning Commission action at the time of the effective date of this Ordinance, in which case the applicant shall be entitled to a decision in accordance with the governing ordinances as they stood at the time the application for the

Plan was filed. Additionally, this Ordinance shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of the Lancaster County Subdivision and Land Development Ordinance, or its applicable predecessor regulations, on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance, nor shall any provisions of this Ordinance be construed to waive the obligations imposed upon an applicant to complete a previously approved Preliminary or Final Plan including the installation of all improvements required hereunder, in strict compliance with the requirements of the Lancaster County Subdivision and Land Development Ordinance or any applicable predecessor regulations.

102.05 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 Preliminary or Final Plan in accordance with the terms of such approval within five (5) years of the date of such application. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five (5) years 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.

102.06 In accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, applications for subdivisions and/or land developments located within Eden Township shall, upon receipt by the municipality, be forwarded to both the municipal Planning Commission and the Lancaster County Planning Commission in accordance with Article III, Section 302 for review and report. Eden Township shall not approve applications until the Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the Commission.

SECTION 103

Title.

This Ordinance shall be known and may be cited as the "Eden Township Subdivision and Land Development Ordinance."

SECTION 104

Notice to School District.

The municipality shall notify in writing the superintendent of a school district in which a plan for a residential development was finally approved by Eden Township during the preceding month. The notice shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the expected construction schedule of the development.

ARTICLE II

DEFINITIONS

SECTION 201

General.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated below.

SECTION 202

General Terms.

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

Words used in the singular imply the plural, and words used in the plural imply the singular.

The male includes the female and neuter genders.

The word "person" indicates a corporation, an unincorporated association, a partnership, estate or any other legally recognized entity, as well as an individual.

The word "lot" includes the word "plot" or "parcel".

The word "buildings" includes "structures" and shall be construed as if followed by the words "or a part thereof".

The word "watercourse" includes "drain," "ditch," and "stream".

The word "may" is directory; the words "shall" and "will" are mandatory.

Words in the present tense may imply the future tense.

SECTION 203

Specific Terms.

Other terms or words used herein shall be interpreted or defined as follows:

Access Drive. An improved cartway designed and constructed to provide for vehicular movement between a public street and a lot containing any use other than one single-family detached dwelling or a farm.

AADT. Annual average daily traffic count. Computed by application of a day of the week by month factor to an average twenty-four (24) hour traffic count. Such information is available in the latest volume of the Pennsylvania Department of Transportation Traffic Data Collection and Factor Development Report.

Agricultural Land. Land used exclusively for the cultivation of the soil, the production of crops or livestock, or the science of forestry; also, land diverted from agricultural use by an active Federal farm program, provided the diverted land has a conservation cover of grass, legume, trees, or wildlife shrubs. Agricultural land may include, to a minor degree, farmsteads inhabited by the cultivator of the land housing for farm employees, and land, used for preparation of agricultural products by the cultivator of the land.

Alley. A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of lots. A service road that provides secondary means of access to lots. No parking shall be permitted, and alleys should be designed to discourage through traffic. Number of units served should not exceed seventy-six (76). Alleys may be designed as one lane streets.

Alluvial Soil. Soils formed from material such as gravel, sand, or silt deposited by a stream of water and showing little or no modification of the original materials by soil forming processes. These soils may be identified by the Soil Survey of Lancaster County, Pennsylvania, or through an on-site analysis.

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

Applicant. A landowner and/or developer, as hereinafter defined, including his heirs, successors and assigns, who has filed an application to the municipality for approval to engage in any regulated activity at a development site located within the municipality.

Authority. A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945.

Block. A tract of land which is entirely bounded by streets, public parks, cemeteries, railroads, and/or watercourses.

Building. Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or

vehicles situated on private property and used for purposes stated above. Included shall be all manufactured homes and trailers.

- A. **Building, Accessory.** A building whose use is customarily incidental and subordinate to the principal building and located on the same lot with this principal building.
- B. **Building, Principal.** A building containing the principal use within a lot.

Building Setback Line. The setback line delineating the required minimum distance between a building and the adjacent lot and street lines. A line within a lot, designated on a plan as the minimum required distance between any structure and the adjacent street centerline, or right-of-way line as specified by any applicable zoning ordinance.

Capacity. The maximum number of vehicles that can be expected to pass over a given section of roadway or on a specific lane.

Cartway. The portion of a street, alley, access drive, or driveway that is intended for vehicular movement.

Clear Sight Triangle. An area of unobstructed vision at a street intersection defined by a line of sight between points at centerlines.

Commission. The Eden Township Planning Commission.

Community Water Supply. A utility operated by a municipality or a company, regulated by the Public Utility Commission, which supplies potable, domestic water for use by more than one household, business, or institution.

Comprehensive Plan. The most recently adopted version of the Official Comprehensive Plan, Eden Township, Lancaster County, PA, including any amendments.

Condominium. A form of property ownership providing for individual ownership of a specific dwelling unit, or other space, together with an undivided interest in the land or other parts of the structure in common with other owners.

Dedication. The deliberate appropriation of land by its owner for general public use.

Deed. A written instrument whereby an estate in real property is conveyed.

Deed Restriction. A restriction upon the use of a property placed in a deed.

Density. The number of dwelling units permitted in relation to the land actually in use or proposed to be used for residential purposes, exclusive of public and private streets.

Detention Basin. An impoundment structure designed to manage stormwater runoff by temporarily storing the runoff and releasing it at a controlled rate.

Developer. A person who undertakes any regulated activity of this ordinance. Any landowner, agent of such landowner, equitable owner, or tenant with the permission of the landowner, for whom subdivision or land development plans are being or have been made.

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

Development Plan. The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Double Frontage Lot. A lot with front and rear street frontage.

Drainage Easement. Rights to occupy and use another person's real property for the installation and operation of stormwater management facilities, or for the maintenance of natural drainage ways to reserve and maintain a channel for the flow of stormwater, therein, or to safeguard health, safety, property, and facilities.

Driveway. An improved cartway designed and constructed to provide vehicular movement between a street and a lot serving one single-family detached dwelling or a farm.

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

Elevation. The horizontal alignment of a surface, as it exists or as it is made by cut and/or fill.

A. Floor Elevation. The elevation of the lowest level of a particular building, including the basement.

B. Road Grade. The rate of rise and fall of a road-surface, measured along the profile of the centerline of the cartway.

Engineer. A professional engineer registered by the Commonwealth of Pennsylvania.

Fire Lane. A way cleared of obstacles and vegetation at all times so as to allow ingress and egress for vehicles during a fire emergency.

Flag Lot. A lot whose frontage does not satisfy the minimum lot width requirements for the respective zone but has sufficient lot width away from the frontage of the lot.

Flagpole. A narrow extension of property on a lot or parcel from the buildable area of a lot to the public right-of-way, and which is not part of the lot area, but serves as access to the lot or parcel.

Floodplain. Any land area susceptible to inundation by water from any natural source or delineated by applicable Department of Housing and Urban Development, Federal Insurance Administration Flood Hazard Boundary – mapped as being a special flood hazard area. Also, the area of inundation that functions as a storage or holding area for floodwater to a width required to contain a base flood of which there is a one percent (1%) chance of occurrence in any given year. The floodplain contains both the floodway and the flood fringe.

Flood-proofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Future Access Strip. A right-of-way reserved for the future improvement of a street.

Half Street. A street of less than the required right-of-way and/or cartway width, such as a street built from the shoulder edge to the eventual centerline. (See also Street).

Historic Structure. Any structure that:

- A. Is listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
- B. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district; or
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.

Horizon Year. The anticipated opening year of a development, assuming full buildout and occupancy.

Improvement Construction Assurance. The procedures, specified in Article V, by which a developer assures the construction of improvements required by this Ordinance.

Improvements. Physical changes to the land, including but not limited to, grading, paving, curbs, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, street signs, monuments, water supply facilities, and sewage disposal facilities.

Influence Area. An area which contains 80% or more of the trips that will be attracted to a development site.

Land Development. The development of property as specified below:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features;
- B. A subdivision of land.
- C. "Land Development" shall not include:
 - (1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (2) The addition of an accessory building on a lot or lots subordinate to an existing principal building; or
 - (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, 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.

Landowner. The legal, beneficial, equitable 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 (if he is authorized under the lease to exercise the right of the landowner), or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

Landscape Architect. A landscape architect registered by the Commonwealth of Pennsylvania.

Lateral. A utility line between a main line, located in a utility easement or street right-of-way, and the building which the line serves.

Level-of-Service. A measure of the effect of traffic on the capacity of a road.

Lot. A designated parcel, tract, or area of land established by a plat or otherwise permitted by law and to be used, developed, or built upon as a unit.

Lot Add-On Plan. See **Plan, Lot Add-on Plan.**

Lot Area. The area contained within the lot lines of an individual lot, excluding any area within a street right-of-way, but including the area of any easement.

Lot Depth. The average distance between the street right-of-way and the rear lot line, measured perpendicular or radial to the right-of-way.

Lot Frontage. That side of a lot abutting on the street right-of-way and regarded as the front of the lot.

Lot Line Marker. A metal plate or pin used to identify lot line intersections.

Lot Width. The horizontal distance measured between side lot lines. On corner lots, lot width shall be measured between the street line for the no-address street and the directly opposite lot line. Unless specifically noted otherwise, lot width shall be measured at the building setback line paralleling the street line

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

Manufactured Home Lot. A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home.

Manufactured Home Pad. That art of a manufactured home lot which is being reserved for the placement of a manufactured home.

Manufactured Home Park. A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

Mediation. A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their difference, culminating in a written agreement which the parties themselves created and consider acceptable.

Mobile Home. See Manufactured Home.

Mobile Home Park. See Manufactured Home Park.

Monument. A concrete or stone monument used to identify street line intersections.

Municipal Governing Body. The Eden Township body with the final decision-making, budgeting, and appointing authority of a general purpose unit of government.

Municipality. The Township of Eden, Lancaster County, Pennsylvania.

Non-site Traffic. Vehicle trips passing within the study area as defined in the traffic impact study that do not enter or exit the site and are generally the result of through traffic and traffic generated by other developments.

Official Map. An ordinance adopted and amended from time-to-time pursuant to Article V of the Pennsylvania Municipalities Planning Code by a municipal governing body as appropriate containing a drawing or drawings that show the precise location of future road right-of-ways or lands to be publicly acquired either through purchase or dedication, and which is used to facilitate the proper placement of structures in relation to future property lines.

Ordinance. The Eden Township Subdivision and Land Development Ordinance and as subsequently amended.

Parcel. See Lot.

Pass-by-Trips. (See Shared Trips).

Peak Hour. The hour during which the heaviest volume of traffic occurs on a road.

Pedestrian Way. A right-of-way, publicly or privately owned, intended for human movement by walking.

Performance Guarantee. Any financial security which may be accepted in lieu of certain improvements being made prior to Final Plan approval, pursuant to Section 509 of the Pennsylvania Municipalities Planning Code.

Plan. A drawing, together with supplementary data, that describes property.

- A. **Centerline Separation Plan.** A complete and exact subdivision plan which creates two (2) lots by using a street centerline as the common boundary, and which meets the criteria specified in Section 305 of this Ordinance.
- B. **Final Plan.** A complete and exact subdivision and/or land development plan, including all supplementary data specified in Section 403 of this Ordinance.
- C. **Lot Add-On Plan.** A complete and exact subdivision plan including all supplementary data specified in Section 404 of this Ordinance. The sole purpose of which is to increase the lot area of an existing lot or tract.
- D. **Small Stormwater Project.** A complete and exact stormwater plan including all supplementary data specified in the Eden Township Stormwater Management Ordinance that meets the specifications for a small project.
- E. **Record Plan.** A Final Plan which contains the original endorsement of the municipality, which is intended to be recorded with the Lancaster County Recorder of Deeds.
- F. **Sketch Plan.** An informal plan, not necessarily to exact scale, indicating prominent existing features of a tract and its surroundings, with the general layout of proposal prepared in accordance with Section 401 of this Ordinance.

Planning Commission. The Planning Commission of Eden Township, Lancaster County, Pennsylvania.

Plat. The map or plan of a subdivision or land development, whether preliminary or final.

Professional Consultant. Person or persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

Public Grounds. Include:

- A. Parks, playgrounds, trails, paths, other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

Public Hearing. A formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in contested cases or prior to amending this Ordinance.

Public Meeting. A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act", as amended.

Regulated Activities - Activities, including Earth Disturbance Activities that involve the alteration or development of land in a manner that may affect stormwater runoff. Regulated activities shall include, but not be limited to:

- Land Development subject to the requirements of the applicable Subdivision and Land Development Ordinance;
- Removal of ground cover, grading, filling or excavation;
- Construction of new or additional impervious or semi-impervious surfaces (driveways, parking lots, etc.), and associated improvements;
- Construction of new buildings or additions to existing buildings;
- Installation or alteration of stormwater management facilities and appurtenances thereto;
- Diversion or piping of any watercourse; and,
- Any other regulated activities where the Municipality determines that said activities may affect any existing watercourse's stormwater management facilities, or stormwater drainage patterns.

Retention Basin. A stormwater management facility that includes a permanent pool for water quality treatment and additional capacity above the permanent pool for temporary runoff storage.

Reverse Frontage Lot. A lot with front and rear street frontage, where vehicular access is prohibited to and from the higher intensity street.

Right-of Way. A corridor of publicly owned or leased land for purposes of maintaining primary vehicular and pedestrian access to abutting lots, including but not limited to, streets and sidewalks.

Runoff. Any part of precipitation that flows over the land surface.

Sedimentation. The action or process of forming or depositing sediment in Waters of the Commonwealth.

Service Street. See Street, Alley, or (Service Street).

Setback Line. See Building Setback Line.

Shared Trips. Vehicle trips entering and exiting the site which were using the facility on the adjacent streets and therefore did not generate new trips on the road.

Sight Distance. The length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic.

Site. The existing lot of record proposed for land development, including subdivision.

Soil Survey Report. The most recent edition of the Soil Survey of Lancaster County, Pennsylvania, published by the U.S. Department of Agriculture, Soil Conservation Service.

Storm Water Management Data. The plan information, designed in accordance with Section 607 of this Ordinance, which identifies design and construction details for managing the quantity and quality of storm water runoff.

Storm Water Management Facilities. Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, swales, watercourses, and floodplains) used to implement a storm water management program.

Street. Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and adopted public right-of-way, or private right-of-way, used or intended to be used by vehicular traffic and/or pedestrians but not including alleys or service streets. Streets shall conform to one of the following categories:

- A. **Principal Arterial.** An interregional road in the street hierarchy system which carries vehicle traffic to and from the region as well as any through traffic. This street may be a controlled access street.
- B. **Minor Arterial.** The Minor arterial street system interconnects with the principal arterial system. It provides connections between boroughs, larger villages, major resort areas and other traffic generators which develop substantial volumes of traffic.
- C. **Collector.** This classification includes streets that provide connections with local access and arterial streets. They may serve a traffic corridor connecting villages, small boroughs, shopping points, mining and agricultural areas on an intra-county or municipal basis.
- D. **Local Access.** This classification provides direct access to adjacent land and includes connections to farms, individual residences and commercial properties, and to higher classes of highway systems.
- E. **Rural Residential Street.** A street serving a very low-density area (minimum one (1) acre zoning). The maximum AADT level limits the number of single-family homes on this road to twenty (20). Rural residential streets shall be designed as a two lane street.
- F. **Cul-de-sac.** A dead-end street equipped with a circular vehicle turnaround at its terminus.
- H. **Marginal Access Street.** A service street that runs parallel to a higher-order street and provides access to abutting properties and separation from through traffic. Marginal Access Street may be designed as local access street or collector according to anticipated daily traffic.
- I. **Divided Street.** A street in which the traffic directions are physically separated.
- J. **Stub Street.** A short dead-end street which is a portion of a street which has been approved in its entirety. Stub streets may extend to

a property line to permit connection of streets in adjoining subdivisions.

Street Line. The right-of-way line of any given street.

Street, Private. A street not accepted for dedication by Eden Township.

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

A. Structure, Accessory: A structure associated with an accessory use (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds).

B. Structure, Principal: A structure associated with a principal use.

Structures shall not include such things as fences, sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, mailboxes, and any other similar non-permanent improvements.

Subdivision. The division or re-division of a single lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other division 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 or as defined in the MPC: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempt.

Subject Tract. The site proposed for land development, including subdivision.

Substantially Completed. Where, in the judgment of Eden Township, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Surface Drainage Plan. A plan showing all present and proposed grades and facilities for storm water drains.

Surveyor. An individual registered with the Commonwealth of Pennsylvania as authorized to measure the boundaries of tracts of land, establish locations, and perform the requirements of a survey.

Swale. A low lying stretch of land which gathers or carries surface water runoff.

Tract. See Lot.

Trip. A single or one-directional vehicle movement.

Unit of Occupancy. An allocation of space within a building or structure that is independent of other such space and that constitutes a separate use. This shall include both fee simple ownership and leaseholds.

Unbuildable Site. A portion of a tract of land which due to physical or environmental conditions cannot support or is inappropriate for construction of a road, structure, or any other man-made improvement. Examples include wetlands, sinkholes, landslides, endangered species habitats, and hazardous waste dumps.

Waiver. A process for alleviating specific requirements imposed by this Ordinance and provided under Sections 307 and 904 of this Ordinance.

Watercourse. A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water carrying or holding surface water, whether natural or artificial.

Watershed. All the land from which water drains into a particular watercourse.

Waters of this Commonwealth. Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of Pennsylvania.

Wetland. Area with the characteristics of wetland, as defined by the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, Pennsylvania Department of Environmental Protection and the U.S. Soil

Conservation Service. Wetland areas are not limited to the locations delineated on wetland maps prepared by the U.S. Fish and Wildlife Service.

ARTICLE III

PLAN PROCESSING PROCEDURES

SECTION 301 **Pre-Application Review.**

301.01 **Pre-Application Review.**

- A. The purpose of the pre-application meeting or sketch plan review is to afford the applicant the opportunity to receive the advice and assistance of the Staff prior to formal application for approval. Such meeting and/or review shall be considered as confidential between the applicant and staff.

- B. Applicants for proposals which require a preliminary plan approval, plans which involve the creation of new streets or community storm water detention or retention facilities, and plans for the development of nonresidential structures are strongly urged to discuss such proposals with the Staff and to prepare and submit Sketch Plans for review prior to submission of the application for approval. Submission of a Sketch Plan, even though strongly recommended, is not mandatory and shall not constitute formal filing of a plan with the Municipality.

- C. Sketch Plan reviews are not required to be consistent with procedures of Section 508 of the Pennsylvania Municipalities Planning Code, as amended. Sketch Plans prepared for review and discussion should include those items listed in Section 401 of this Ordinance.

- D. Applicants for proposals other than those described in Subsection A are still encouraged to discuss such proposals and submit Sketch Plans for review.

- E. The applicant may request that the Municipality provide written comments on submitted Sketch Plans as a follow-up to any meetings held to discuss the plan. As stated in subsection B, submission of a Sketch Plan, even though strongly recommended, is not mandatory and shall not constitute formal filing of a plan with the Municipality.

SECTION 302 **Preliminary Plan Applications.** With the exceptions specifically noted in this Ordinance, a Preliminary Plan is required for applications which propose new streets, all land development plans, as defined in Section 203,

and subdivision plans of ten (10) or more lots. All other plans may be submitted as Final Plans in accordance with Section 303.

Preliminary Plans may be filed with Eden Township on any business day. The Commission will officially review a plan at a particular meeting in accordance with a schedule which shall be published as a public notice.

302.01 Application Requirements. All Preliminary Plan Applications shall include the following:

- A. Five (5) copies of full size Final plan sheet(s) and seven (7) copies of half (1/2) size sheet(s). All plans shall be either black on white, blue on white, or color on white paper prints.
- B. Two (2) copies of all reports, notifications and certifications which are not provided on the Preliminary Plan.
- C. Two (2) copies of the application form (See Appendix 24) completely and correctly executed, with all information legible, and bearing all required signatures.
- D. Two (2) copies of a completed fee schedule and a filing fee and escrow fee (in accordance with the Municipalities current fee schedule).
- E. When connection to an existing sanitary sewer system is proposed, written notice from the authority providing sanitary sewer service indicating that sufficient capacity to service the proposed development is available shall be provided. Such notice shall:
 - (a) Be dated within six (6) months of the plan application
 - (b) Identify the term of reservation and
 - (c) Provide capacity for the entire development (partial capacity based on phases of development will not be acceptable).
- F. **Incomplete Applications.** Incomplete submissions as determined by the Governing Body or its designee, shall be returned to the Applicant within 7 days, along with a statement that the submission is incomplete, and stating the deficiencies found. Otherwise, the application shall be deemed accepted for filing as of the date of submission. Acceptance of the application shall not, however, constitute an approval of the plan nor a waiver of any deficiencies

or irregularities. The applicant may appeal the Municipality's decision not to accept a particular application.

302.02 Plan Requirements. All Preliminary Plans shall be prepared in conformance with the provisions of Section 402 of this Ordinance and any other applicable requirement of law.

302.03 Municipal Action. Eden Township will schedule the Preliminary Plan application for action at a regularly scheduled public meeting within ninety (90) days of the first public meeting of the Commission after the date of filing.

Applications may be filed with the Township on any business day; however, the Township Planning Commission or Supervisors will review a plan at a particular meeting only if the plan was filed at least fifteen (15) business days prior to that meeting.

302.04 Notification of Municipal Action. Within fifteen (15) consecutive days after the meeting at which the Preliminary Plan is reviewed, the staff shall send written notice of Eden Township's action to the following individuals:

- A. Landowner or his agent, and/or Applicant
- B. Firm that prepared the plan.

If the application is disapproved, Eden Township will notify the above individuals, in writing, of the defects in the application and will identify the requirements which have not been met, citing the provisions of the statute or ordinance relied upon.

302.05 At its sole discretion and in accordance with this Article, when a Subdivision and/or Land Development Plan is found to be deficient, Eden Township may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, Eden Township may accept submission of revisions.

302.06 Municipal Approval and Certification. Eden Township will acknowledge the satisfactory compliance with all conditions, if any, of the Preliminary Plan approval at a regularly scheduled public meeting. All materials to be considered by Eden Township at such meeting shall be submitted by the applicant to Eden Township at least fifteen (15) business days prior to the meeting. Additionally, at the option of the applicant, after receipt of Preliminary Plan approval and compliance with all conditions of approval, a Preliminary Plan may be presented to Eden Township for

acknowledgment through a formal statement on the Plan. (See Appendix 17.)

Approval of a preliminary application shall constitute approval of the proposed subdivision and/or land development as to the character and intensity of development and the general arrangement of streets, lots, structures, and other planned facilities, but shall not constitute Final Plan approval. The Preliminary Plan is not required to be recorded in the office of the Lancaster County Recorder of Deeds.

Preliminary Plan approval will be effective for a five-year period, or as otherwise provided for by State Law, from the date of the Commission's approval of the Preliminary Plan application; therefore, Final Plan applications for the entire project must be made within five (5) years of Preliminary Plan approval unless Eden Township grants a waiver by extending the effective time period of the approval.

The Applicant may, after receipt of acknowledgment from Eden Township of the satisfactory completion of any conditions of Preliminary Plan approval, proceed to construct the improvements required by this Ordinance and shown on the approved Preliminary Plan. The applicant shall indicate the intent to construct the improvements in writing to the Commission prior to the start of construction. Additionally, the applicant shall complete and enter into the appropriate Memorandum of Understanding. The applicant shall indicate the timetable for the construction of the improvements including a schedule and plan of the proposed phasing of sections of the plan.

Construction and completion of the improvements shall not constitute permission to sell lots or occupy proposed buildings shown on the plan.

SECTION 303

Final Plan Application. An application for Final Plan Approval can be submitted only after the following, when required as noted, have been completed.

The receipt of an unconditional Preliminary Plan approval in accordance with Section 302 of this Ordinance, when a Preliminary Plan approval is required, and.

The completion of the improvements required by this Ordinance when the improvements are not assured by the kind of guarantees provided in Section 502 of this Ordinance.

Final Plans may be filed with Eden Township on any business day; however, the municipality will officially review a plan at a particular meeting only if the Plan was filed at least fifteen (15) business days prior to that meeting. A schedule of the municipality's meetings for each calendar year and the corresponding dates for submission of plans and applications shall be published as a public notice.

The Final Plan may be submitted in sections, each section covering a reasonable portion of the entire proposed subdivision or land development as shown on the approved Preliminary Plan; provided that each section, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of units of occupancy as depicted on the approved Preliminary Plan unless Eden Township specifically approves a lesser percentage for one or more sections.

Eden Township may accept a Final Plan modified to reflect a change to the site or its surroundings which occurs after the Preliminary Plan review. The municipality shall determine whether a modified Final Plan will be accepted or whether a new Preliminary Plan shall be submitted.

303.01 Application Requirements. All Final Plan applications shall include the following:

- A. Five (5) copies of the full size Final plan sheet(s) and seven (7) of the half (1/2) size plan sheet(s). All plans shall be either black on white, blue on white, or color on white paper prints.
- B. Two (2) copies of all reports, notifications and certificates which are not provided on the Final Plan.
- C. Two (2) copies of the correct and complete application form. (See Appendix 24.)
- D. Two (2) copies of a completed fee schedule and a filing fee and escrow fee (in accordance with the Municipalities current fee schedule).
- E. Two (2) copies of all applicable supplementary data, notices and certificates required in Sections 403.04 and 403.05 of this Ordinance.
- F. Two (2) copies verification form (see Appendix 33).

- G. Incomplete submissions as determined by the Governing Body or its designee, shall be returned to the Applicant within 7 days, along with a statement that the submission is incomplete, and stating the deficiencies found. Otherwise, the application shall be deemed accepted for filing as of the date of submission. Acceptance of the application shall not, however, constitute an approval of the plan nor a waiver of any deficiencies or irregularities. The applicant may appeal the Municipality's decision not to accept a particular application.
- H. Written notice from the authority providing sanitary sewer service indicating that sufficient capacity to service the proposed development has been reserved.

303.02 Plan Requirements. All Final Plans shall be prepared in conformance with the provisions of Section 403 of this Ordinance and any other applicable requirements of law.

303.03 Municipal Action. The municipality will schedule the Final Plan application for action at a regularly scheduled public meeting within ninety (90) days of the first public meeting of the municipality after the date of filing.

Applications may be filed with the Township on any business day; however, the Township Planning Commission or Supervisors will review a plan at a particular meeting only if the plan was filed at least fifteen (15) business days prior to that meeting.

Final Plan approval will be effective for ninety (90) days from the date of the municipality's action on the Final Plan, or as otherwise provided for by State Law, unless the municipality grants a waiver by extending the effective time period of the approval. Within this time period the applicant must meet all conditions of approval, if any; certify plans as specified in this Ordinance; and record plans as specified in this Ordinance.

303.04 Notification of Municipal Action. Within fifteen (15) consecutive days after the meeting at which the Final Plan is reviewed, the staff shall send written notice of the municipality's action to the following:

- A. Landowner, his agent, and/or Applicant.
- B. School District if the plan was approved for a residential development.

C. Firm that prepared the plan.

303.05 Final Plan Certification. After the municipality's approval of the Final Plan and the required changes, if any, are made, the applicant shall proceed to prepare two (2) sets of Final Plans acceptable for recording at the Lancaster County Recorder of Deeds Office, two (2) full set of Final Plans which shall be a paper copy for the municipality's files, one (1) full set of Final Plans which shall be a paper copy for the Lancaster County Planning Commission, and two (2) electronic copies in CAD or GIS format of the complete set of plans – 1 for the Municipality and 1 for the Lancaster County Planning Commission.

A recording number and a complete set of plans with all signatures, stamps, and seals must be provided to the Township before any permits are issued.

303.06 At its sole discretion and in accordance with this Article, when a Subdivision and/or Land Development Plan is found to be deficient, Eden Township may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, Eden Township may accept submission of revisions.

303.07 Municipal Signature required. Upon meeting any and all conditions of the plan approval, both Final Plans shall be presented to the municipality for the signature of the Board of Supervisors Chairman and Vice-Chairman or their designees. (See Appendix 19.) Final Plans will not be signed by the municipality if submitted more than ninety (90) days from the municipality's final approval action unless the municipality grants a waiver by extending the effective time period of the approval.

303.08 Final Plan Recordation. Upon approval and certification of a Final Plan, the applicant shall record the Plan in the office of the Lancaster County Recorder of Deeds within 90 days of such final approval or 90 days after the date of delivery of an approved plan signed by the governing body, following completion of conditions imposed for such approval, whichever is later.

Should the applicant fail to record the Final Plan within ninety (90) days of the municipality's Final Plan approval, the municipality's action on the plan shall be null and void unless the municipality has granted a waiver by extending the effective time period of the approval.

303.09 Prior Sale of Lots Prohibited. The Final Plan shall be filed with the Lancaster County Recorder of Deeds before proceeding with the sale of lots.

303.10 Dedication by Recording the Final Plan. After approval of the Final Plan by the municipality, the act of recording the Final Plan shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use, unless reserved by the landowner as provided below. However, the approval of the municipality shall not impose any duty upon the Commonwealth, County, or municipality concerning acceptance, maintenance, or improvement of any such dedicated areas or portion of same until proper authorities of the Commonwealth, County, or municipality actually accept same by ordinance or resolution, or by entry, use, or improvement.

303.11 Notice of Reservation from Public Dedication. The landowner shall place a notation on the Final Plan when there is no offer of dedication to the public of certain designated areas, in which event the title to such areas shall remain with the owner, and the Commonwealth, County, and local authorities shall assume no right to accept ownership or right-of-way.

SECTION 304 Revised Subdivision and/or Land Development Plan Application. Any replatting or resubdivision of recorded plans or revision of approved final plans which have not yet been recorded, excluding lot grading plans in subdivisions, shall be considered as a new application and shall comply with all requirements of this Ordinance, except that survey corrections can be made.

304.01 In every case where a plan alteration conforms to the above, the applicant shall:

- A. Submit to the municipality two black on white or blue on white paper copies of the revised Final Plan, one application form and the appropriate filing fee. (See Appendix 24.) Upon review of the revision, the municipality will, in writing, advise the applicant whether or not the revision complies with the standards of Section 403.04 of this Ordinance.
- B. If the revision complies, the applicant shall prepare two (2) Plans, which shall be transparent black line reproductions of the original plan and two (2) sets of paper copies of the Plan for the municipality's files, and which shall specifically identify the alteration(s) to the previously recorded plan.
- C. The applicant shall then submit the Plan to the municipal secretary or authorized municipal official for certification as specified in Section 303.07 of this Ordinance and the Lancaster County Planning

Commission for signature as specified in Section 303.05 of this Ordinance. (See Appendices 22 and 19).

- D. The Plans shall then be recorded as specified in Section 303.08 of this Ordinance.
- E. Prior to any rerecording, a note shall be placed on the replat specifying the Record Plan Book number of the original final plan.

SECTION 305 Lot Add-On / Lot Line Change / Centerline Separation Plans.

305.01 Plan Requirements. Plans shall only be permitted when:

- A. No lot or tract of land is created which is smaller than the minimum nor larger than the maximum lot size permitted by the applicable Zoning Ordinance, and;
- B. Drainage easements or rights-of way are not altered, and;
- C. Access to the affected parcels is not changed,
- D. Street alignments are not changed,
- E. Except for centerline separation plans, no new lots are created.
- F. Any on-lot facility (well, septic systems, stormwater management controls, and their associated lot line setbacks and isolation distances shall not be impacted).
- G. In the case of lot line change plans, both impacted tracts of land shall be resultant from the same original recorded subdivision plan.

305.02 Plan Required. Where the above conditions are satisfactorily proven to exist, a plan shall be prepared and submitted in accordance with the requirements of Section 404 of this Ordinance.

305.03 Deed Required. A copy of the deed(s) to be recorded for the impacted tracts of land shall be submitted prior to recording of the ~~lot add-on~~ plan. The deed shall provide a description of the impacted tracts which reflects the proposed changes to the tracts.

305.04 Plan Submission and Recording Procedures. In every case where a proposal conforms to the requirements of this Section, the application shall comply with Section 303 of this Ordinance.

SECTION 306 Procedure for Requesting Consideration of Waiver of Provisions of This Ordinance.

306.01 Application Requirements. All requests for waivers shall be made in accordance with the following procedure:

- A. All requests for a waiver shall be made in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, or the alternative standard proposed to provide equal or better results, the section or sections of this Ordinance which are requested to be waived, and the minimum modification necessary. The request shall be accompanied by a plan prepared at least to the minimum standards of a sketch plan (see Section 401).
- B. Should a revision to a submitted plan require a waiver which was not apparent at the time of initial plan submission, the request for a waiver shall be submitted in accordance with subsection (A) above, at the time of submission of the revised plans.
- C. Requests for waivers shall be considered by the municipality at a public meeting which is at least fifteen (15) days after the submission of the waiver request.

306.02 Municipal Commission Action. At a scheduled public meeting, the municipality shall review the request to determine if the literal compliance with any mandatory provision of the Ordinance is demonstrated by the applicant to exact undue hardship or to be unreasonable, or that an alternative standard has been demonstrated to provide equal or better results, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed. The applicant shall demonstrate that the alternative proposal represents the minimum modification necessary. If the municipality determines that the applicant has met his burden, it may grant a waiver from the literal compliance with the terms of this Ordinance.

306.03 Notification of Municipal Commission Action. After the meeting at which the waiver was reviewed, the municipality shall send notice of the municipality's action to the following individuals:

- A. Landowner or his agent, and/or Applicant.

B. Firm that prepared the plan.

If the municipality denies the request, the municipality will notify the above individuals, in writing, of the justification for denial. If the municipality grants the request, the Final Plan shall include a note which identifies the specific waiver as granted.

ARTICLE IV

INFORMATION TO BE SHOWN ON OR SUBMITTED WITH SUBDIVISION AND LAND DEVELOPMENT PLANS

SECTION 401

Sketch Plans. The scale and sheet size of Sketch Plans shall be as required for Preliminary Plans in Section 402.01(A) and (D). The Sketch Plan shall show or be accompanied by the following data, legible in every detail and drawn to scale, but not necessarily containing precise dimensions:

- A. Name and address of the developer (if applicable) and landowner.
- B. Name of the individual and/or the firm that prepared the Plan.
- C. Location map with sufficient information to locate the property.
- D. North arrow.
- E. Written and graphic scales.
- F. Existing tract boundaries accurately labeled with the name(s) of adjacent landowner(s) and adjacent plan(s) of record.
- G. Name of the municipality or municipalities in which the project is located, including the location of any municipal boundary line(s) if located within the vicinity of the tract.
- H. Significant topographical and man-made features (e.g., bodies of water, quarries, floodplains, tree masses, structures).
- I. Proposed street, parking, building, and lot layout.
- J. Proposed land use; if several land uses are proposed, the location of each land use shall be indicated.
- K. Statement explaining the methods of water supply and sewage disposal to be used.

SECTION 402

Preliminary Plans. Preliminary Plans shall be prepared by an engineer, a surveyor, or a landscape architect. The Preliminary Plan shall show, be accompanied by, or be prepared in accordance with the following and shall provide sufficient design information to demonstrate conformance with the requirements of Article VI of this Ordinance:

402.01 Drafting Standards:

- A. The Plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, or 100 feet to the inch.
- B. Dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction.
- C. The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than eighteen by twenty-two (18 x 22) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the Plan (e.g., Sheet 1 of 5).
- E. Plans shall be legible in every detail.

402.02 Location and Identification:

- A. The proposed project name or identifying title.
- B. The municipality in which the project is to be located (if the tract of land is located in the vicinity of a municipal boundary line, the location of the boundary shall be shown.)
- C. The name and address of the owner of the tract (or an authorized agent), the developer/subdivider, and the firm that prepared the plans.
- D. The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
- E. A north arrow, a graphic scale, and a written scale.
- F. The entire existing tract boundary with bearings and distances. (If a landowner is to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed plotting and may be drawn at any legible scale; if the remaining lot

has a lot area of ten (10) or less acres, it must be described to the accuracy requirements of this Ordinance.)

- G. The total acreage of the entire existing tract.
- H. The district and lot size and/or density requirements of the municipal zoning ordinance.
- I. The location of existing lot line markers along the perimeter of the entire existing tract.
- J. A location map, drawn to a scale of a minimum of one inch equal to two thousand feet (1" = 2,000') relating the subdivision to at least two (2) intersections of road center lines. The approximate distance to the intersection of the centerlines of the nearest improved street intersection shall be identified.
- K. A note indicating the types of sewer or water facilities to be provided.

402.03 Existing Features:

- A. Existing contours at a minimum vertical interval of two (2) feet for land with average natural slope of four (4) percent or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours shall be accompanied by the location of the bench mark and notation indicating the datum used. Contours plotted from the United States Geodetic Survey will not be accepted.
- B. The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects.
- C. The following items when located within two hundred (200) feet of the subject tract:
 - (1) The location and name of existing rights-of-way and cartways for streets, access drives, driveways, and service streets.
 - (2) The location of the following features and any related rights-of-way: sanitary sewer mains, water supply mains, fire hydrants, buildings, and storm water management facilities.

- (3) The location of existing rights-of-way for electric, gas, and oil transmission lines, and railroads.
 - (4) The size, capacity, and condition of the existing storm water management system and any other facility that may be used to convey storm flows from the subject tract.
- D. The following items when located within the subject tract:
- (1) The location, name, and dimensions of existing rights-of-way and cartways for streets, access drives, driveways, and service streets.
 - (2) The location and size of the following features and related rights-of-way: sanitary sewer mains, water supply mains, fire hydrants, buildings, and storm water management facilities.
 - (3) The location of existing rights-of-way for electric, gas, and oil transmission lines, and railroads.
 - (4) The size, capacity, and condition of the existing storm water management system and any other facility that may be used to convey storm flows.
- E. The following items when located within two hundred (200) feet of the subject tract or upon the site proposed for development: significant environmental or topographic features including but not limited to flood plains, wetlands, quarry sites, solid waste disposal areas, historic features, cemetery or burial sites, archaeological sites, highly erosive soils, or wooded areas. Additionally, the preliminary plan shall indicate any proposed disturbance, encroachment, or alteration to such features when located upon the site proposed for development.
- F. Identify areas of 15% or greater slope and 25% or greater slope

402.04 Plan Information:

- A. The layout of streets, alleys, and sidewalks, including cartway and right-of-way widths.
- B. The layout of lots, with approximate dimensions.

- C. Block and lot numbers in consecutive order (e.g., Block "A," Lots 1 through 10; Block "B," Lots 11 through 22).
- D. In the case of land developments, the location and configuration of proposed buildings, parking compounds, streets, access drives, driveways, and all other significant planned facilities.
- E. Total number of lots, units of occupancy, density, and proposed land use; (if a multiple land use is proposed, an indication of the location of each land use).
- F. Easements.
- G. Building setback lines, with distances from the street centerline or street right-of-way line, whichever requirement is applicable under the municipal zoning ordinance.
- H. Identification of buildings and historic features proposed to be demolished.
- I. Typical street cross section for each proposed street and typical cross section for any existing street which will be improved as part of the application. Each cross section shall include the entire right-of-way width.
- J. Street centerline profile for each proposed street shown on the Preliminary Plan.
- K. The preliminary design of the proposed sanitary sewer mains and water supply mains. The information shall include the approximate size, material, and vertical and horizontal location, when applicable.
- L. A phasing plan covering a reasonable portion of the entire subdivision provided that each section, except for the last section, shall contain a minimum of twenty five (25) percent of the total number of units of occupancy as depicted on the plan.
- M. A statement on the Plan indicating that all zoning approvals and all zoning variances have been obtained, if applicable.
- N. A statement on the Plan indicating any waivers granted by the municipality.
- O. Proposed street names.

- P. The current tax map parcel numbers for the tract to be developed.

402.05

Certificates, Notifications, and Reports:

- A. Where the Preliminary Plan covers only a part of the entire landholding, a sketch of the future street system of the unsubmitted part shall be furnished. The street system of the submitted part will be considered in light of adjustments and connections with future streets in the part not submitted.
- B. Where the land included in the subject application has an electric transmission line, telecommunications line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or lease of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- C. Certificate, signature, and seal of the surveyor to the effect that the survey is correct, and certificate, signature, and seal of the surveyor, engineer, or landscape architect that prepared the Plan that all other information shown on the plat is accurate. (See Appendix 14.)
- D. In the case of a Preliminary Plan calling for the phased installation of improvements, a schedule shall be filed delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section are intended to be filed. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the Preliminary Plan unless the municipality specifically approves a lesser percentage for one or more of the sections.
- E. Where the subdivision or land development involves a site meeting any of the following criteria, a statement from the Lancaster County Conservation District that an acceptable Erosion and Sedimentation Control Plan has been submitted to that agency:
 - (1) Sites where earth disturbance greater than one (1) acres will occur.

- (2) Sites where piping of storm water or the alteration of natural or man-made watercourses occurs.
 - (3) Sites with slopes greater than ten (10) percent.
 - (4) Sites that contain or border a stream or body of water.
 - (5) Sites that offer the potential for sedimentation to nearby bodies of water.
- F. Where the subdivision or land development proposal will generate one hundred (100) or more additional trips to or from the site during the development's anticipated peak hour, a traffic impact study as required by this Ordinance shall be submitted with the Preliminary Plan.
- G. Where the land included in the subject application has an agricultural, woodland or other natural resource easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land. This requirement may be satisfied by submitting a copy of the recorded agreement.
- H. Where the developer intends to construct the improvements required by this Ordinance after unconditional preliminary plan approval, the applicant shall submit the appropriate executed Memorandum of Understanding (See Appendix No. 34).

402.06 Filing Fee. The Preliminary Plan shall be accompanied by a filing fee. (See fee schedule available at the municipality's office). Note: A separate filing fee must be submitted for each application.

SECTION 403 Final Plans. Final Plans shall be prepared by an engineer, a surveyor, or a landscape architect. The Final Plan shall show, be accompanied by, or be prepared in accordance with the following and shall provide sufficient design information to demonstrate conformance with the requirements of Article VI of this Ordinance:

403.01 Drafting Standards. The same standards shall be required for a Final Plan as specified for a Preliminary Plan in Section 402.01 of this Ordinance.

403.02 Location and Identification. The same standards shall be required for a Final Plan as specified for a Preliminary Plan in Section 402.02 of this Ordinance.

403.03 Existing Features.

- A. Contour lines representing the topography of the site, if a Preliminary Plan was not required or the contours identified with the Preliminary Plan were altered. Such contours shall show elevations at a minimum vertical interval of two (2) feet for land with average natural slope of four (4) percent or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contour information shall be accompanied by the location of the bench mark and a notation indicating the datum used. Contours plotted from the United States Geodetic Survey will not be accepted. This information may be provided on separate sheets and is not subject to recording with the Final Plan.
- B. The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects.
- C. Significant environmental and topographic features including but not limited to flood plains, wetlands, quarry sites, and woodlands. When available, information regarding solid waste disposal areas, historic features, cemetery or burial sites, archeological sites, or areas with highly erosive soils may be shown as inventoried in the Lancaster County Geographic Information System. The location of such features not inventoried by the GIS shall be field verified. The final plan shall indicate any proposed disturbance, encroachment, or alteration to such features when located upon the site proposed for development.
- D. The following items when located within two hundred (200) feet of the subject tract:
 - (1) The approximate location and name of existing rights-of-way and cartways for streets, access drives, and service streets.
 - (2) The approximate location of the following features and any related rights-of-way: sanitary sewer mains, water supply mains, fire hydrants, and storm water management facilities which affect the storm water runoff on the subject tract.

- (3) The size, capacity, and condition of the existing storm water management system and any other facility that may be used to convey storm flows from the subject tract.

E. The following items when located within the subject tract:

- (1) The location and size of the following features and related rights-of-way: on-lot sewage disposal systems, on-lot water supplies, sanitary sewer mains, water supply mains, fire hydrants, buildings, and storm water management facilities. This information may be provided on separate sheets and need not be recorded with the Final Plan.
- (2) The location of existing rights-of-way for electric, telecommunications, gas, and oil transmission lines and railroads.
- (3) The size, capacity, and condition of the existing storm water management system and any other facility that may be used to convey storm flows.

403.04 Plan Information:

- A. Complete description of the centerline and the right-of-way line for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord.
- B. Lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing street rights-of-way, the description may utilize the existing deed lines or road centerlines; along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines.
- C. Block and lot numbers in consecutive order (e.g., Block "A," lots 1 through 10; Block "B," Lots 11 through 22).
- D. The location and configuration of proposed buildings, parking compounds, streets, access drives, driveways, landscaping, and all other significant facilities.
- E. Total number of lots, units of occupancy, density, and proposed land use; (if a multiple land use is proposed, an indication of the location of each land use).

- F. Easements.
- G. Building setback lines, with distances from the street centerline or street right-of-way line, whichever requirement is applicable under the municipal zoning ordinance.
- H. Identification of buildings and historic features proposed to be demolished.
- I. Typical street cross section for each proposed street and a typical cross section for any existing street which will be improved as part of the application. Each cross section shall include the entire right-of-way width.
- J. Final vertical and horizontal alignment for each proposed street, sanitary sewer, and water distribution system. All street profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations and size and type of material. This information may be provided on separate sheets and is not subject to recording with the Final Plan.
- K. Source of title to the land included within the subject application, as shown by the books of the Lancaster County Recorder of Deeds.
- L. Final street names.
- M. Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set or indicating when they will be set.
- N. Identification of any waivers granted by the municipality.
- O. Identification of any lands to be dedicated or reserved for public, semi-public, or community use.

403.05

Certificates, Notifications, and Reports:

- A. When applicable, notification from the Department of Environmental Protection that either approval of the Sewer Facility Plan Revision (Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.

If the Final Plan is conditionally approved pursuant to Section 609, notification that the plan is subject to a pending Sewage Facilities Plan Revision Module and that approval shall be obtained prior to the sale of any lots or the commencement of construction.

B. Where the land included in the subject application has an electric transmission line, a gas pipeline, a telecommunication line, or a petroleum or petroleum product transmission line located within the tract, the application shall be accompanied by a letter from the owner or lease of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

C. Notice from Lancaster County-Wide Communications stating that the proposed street names are acceptable.

Appendix 35 shall be used to provide such notice. This form is to be completed by the applicant and sent by facsimile machine to Lancaster County-Wide Communications (717-664-1126). The returned, signed facsimile may then be submitted to the municipality.

D. Certificate, signature, and seal of the surveyor, to the effect that the survey is correct and certificate, signature and seal of the surveyor, engineer, or landscape architect that prepared the Plan that all other information shown on the plat is accurate. (See Appendix 14.)

E. Certificate for approval by Eden Township. (See Appendix 19)

F. A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the landowner, to the effect that the subdivision or land development shown on the Plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded as such (See Appendix 16.) This statement must be dated following the last change or revision to said plan.

G. A certificate of dedication of streets and other public property. (See Appendix 16.)

H. Certificate of notification to be signed by the Lancaster County Planning Commission. (See Appendix 21.)

- I. A note to be placed on the Plan indicating any area that is not to be offered for dedication, if applicable.
- J. An appropriately executed Memorandum of Understanding which sets forth the responsibilities of all parties regarding the installation and inspection of the required improvements. (See Appendix No. 34).
- K. All improvements have been made to the standards of the Ordinance or that an improvement guarantee has been submitted and was accepted by Eden Township or the authority accepting dedication. (See Appendix No. 26 or 27 for Notice and Article V for the Administration.)
- L. Such written notices of approval as required by the Ordinance, including written notices approving the water supply systems, sanitary sewage systems, and storm water runoff to adjacent properties. (See Section 609 for specific requirements.)
- M. The submission of a controlling agreement in accordance with Section 602.02 when an application proposes to establish a street which is not offered for dedication to public use.
- N. In the case of a plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following plan note:

"A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and Eden Township approval of this plan in no way implies that such permit can be acquired."
- O. Where the land included in the subject application has an agricultural woodland, or other natural resource easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land. This requirement may be satisfied by submitting a copy of the recorded agreement.

403.06 Filing Fee. The Final Plan shall be accompanied by a filing fee. (See fee Schedule available at the municipality's office). Note: A separate filing fee must be submitted for each application.

SECTION 404 Lot Add-On/ Lot Line Change/ Centerline Separation Plan Requirements. Plans shall be prepared by a registered surveyor and shall be subject to the following requirements:

404.01 Drafting Standards:

- A. The plan shall be clearly and legibly drawn on (18x22) or twenty-four by (24x36) inch sheets.
- B. Dimensions shall be in degrees, minutes, and seconds with an error of closure no greater than one (1) foot in ten thousand (10,000) feet.
- C. The plan shall be clearly and legibly drawn as a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet or 100 feet to the inch.

404.02 Plan Information. The following information shall be provided on the sheet to be recorded:

- A. Project name.
- B. Name of the municipality in which the project is located.
- C. Name and address of the owner of the tract and all adjacent landowners affected by the proposed conveyance.
- D. Name and address of the firm that prepared the plan and the file or project number assigned by the firm.
- E. A north arrow, graphic scale, written scale, plan date, and the date(s) of all plan revisions.
- F. A location map, at a scale not less than one inch equal to two thousand feet (1" = 2,000'), with sufficient information to locate the specific property involved. All existing roads in the vicinity of the site shall be identified.
- G. The total number of lots, total acreage, density of development, present zoning classification, and minimum lot area requirements.

- H. The location, size, and dimensions of existing right-of-way, easements, and utilities on or adjacent to both the conveying and receiving tracts.
- I. The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for projects adjacent to either the conveying or receiving tract.
- J. Source of title to the tract being subdivided.
- K. An accurate description of the parcel to be conveyed. If the remainder of the conveying tract has a lot area of ten (10) acres or less, it must also be described to the accuracy requirements of this Ordinance. If the remaining acreage is in excess of ten (10) acres, its boundary and the boundary of the receiving tract shall be described by deed plottings drawn at a legible scale.
- L. Location and material of all permanent monuments and lot line markers, including a note indicating when they will be set.
- M. Lot numbers.
- N. Identification of any waivers granted by the municipality.
- O. Location of all on-lot water and sewer service and storm water management facilities.

404.03

Certificates:

- A. Certificate signature and seal of the surveyor to the effect that the survey is correct. (See Appendix 14).
- B. Certificate for approval by Eden Township (See Appendix 19).
- C. A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the landowner, to the effect that the subdivision as shown on the plan is the act and deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such (See Appendix 16).
- D. A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the owner of the receiving tract, to the effect that the conveyance as shown on the plan is in

accordance with the intent of the landowner, that all those signing are all of the owners of the property shown on the plan, and that they desire the same to be recorded as such. (See Appendix 16).

ARTICLE V

IMPROVEMENT CONSTRUCTION ASSURANCES

- SECTION 501** **Improvement Required.** No project shall be considered in compliance with this Ordinance until the streets, street signs, sidewalks and walkways, gutters and curbs within street rights-of-way, buffer planting, shade trees, storm drainage facilities, sanitary sewer facilities for dedication (exclusive of laterals), water supply facilities (exclusive of laterals), fire hydrants, lot line markers, survey monuments, street lights, street trees and other improvements as may be required have been installed in accordance with this Ordinance.
- SECTION 502** **Plan Improvements.**
- 502.01** **Improvements Required.** No plan shall be signed by Eden Township for recording in the office of the Lancaster County Recorder of Deeds unless all improvements required by this Ordinance have been installed in accordance with this Ordinance except as provided in Section 503.
- 502.02** **Improvement Construction.** Upon approval of the Preliminary Plans specified in this Ordinance, the applicant may construct the required improvements shown on the plan. The developer shall indicate the intent to construct the required improvements by executing the applicable Memorandum of Understanding to be submitted at the time an application is made for approval of a Preliminary Plan.
- 502.03** **Inspection of Required Improvements.** As stipulated in the executed Memorandum of Understanding, the municipal engineer shall be responsible for inspection and approval of the required improvements. The engineer and developer shall agree upon a notification procedure and a schedule of inspections to be made during construction and upon completion of all improvements.
- 502.04** **Recording of Final Plan.** Upon completion of the required improvements and notification from the municipal engineer that all improvements have been completed in accordance with this Ordinance, the developer may proceed to submit Final Plans. Final Plans shall be prepared and submitted in conformance with the requirements of this Ordinance. Upon review and approval of the Final Plans as stipulated in this Ordinance, the plans may be recorded in the Office of the Lancaster County Recorder of Deeds. The Final Plans shall be recorded before the sale of any lots or the construction and occupancy of buildings shown on the plans.

SECTION 503

Improvement Construction Guarantee. In lieu of the construction and completion of the improvements required by this Ordinance prior to recordation, the developer may deposit financial security in an amount sufficient to cover the costs of such improvements or common amenities. Said Improvement Construction Guarantee shall be prepared in accordance with this Ordinance and is subject to the acceptance by Eden Township or the authority as the case may be. The developer shall indicate the intent to provide an Improvement Construction Guarantee by executing the applicable Memorandum of Understanding to be submitted as stipulated at the time application is made for approval of a Final Plan.

The administration of Improvement Construction Assurances shall comply with the provisions of this Article and other applicable laws of the Commonwealth.

All guarantees shall be prepared by the developer in the form required by Eden Township or the authority as the case may be.

503.01

Form of Financial Security. The following are acceptable forms of guarantees. All other forms of guarantees must be individually approved by Eden Township.

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

- B. **Letter of Credit.** A irrevocable commercial letter provided by the developer from a Federal or Commonwealth chartered financial institution or other reputable institution. This letter shall be

deposited with Eden Township or authority and shall certify the following:

- (1) The amount of credit.
- (2) In case of failure on the part of the developer to complete the specified improvements within a time period specified in a written agreement between Eden Township or municipal authority, the creditor shall pay to Eden Township or authority, immediately and without further action, upon presentation of a sight draft drawn on the issuing lending institution in an amount to which Eden Township or authority is entitled, or upon presentation of the original letter of credit, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
- (3) The letter of credit is irrevocable and may not be withdrawn, or reduced in amount, until release or partially released by Eden Township or authority.

503.02 Amount of Guarantee.

- A. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, Eden Township or authority may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the developer shall post additional security in order to assure that the financial security equals said one hundred ten (110%) percent. Any additional security shall be posted by the developer in accordance with this subsection.
- B. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. Eden Township or authority upon the recommendation

of the municipal engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and Eden Township or authority 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 Eden Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen fees for the services of said engineer shall be paid equally by the applicant or developer and Eden Township or authority.

- C. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10%) percent for each one-year period beyond the first anniversary date from each posting of financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.

503.03 **Protection of Final Phases.** In the case where development is projected over a period of years, Eden Township may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

503.04 **As Built Plan.** After Final Plan approval and upon completion of all required improvements, the developer shall submit an As Built Plan showing the location, dimension, and elevation of all improvements. Such plan shall indicate that the required grading, drainage structures, and/or drainage systems and erosion and sediment control practices have been installed in substantial conformance with the previously approved Final Plan. The As Built Plan shall specify all deviations from the previously approved drawings. Two paper (2) copies and one (1) electronic copy of the plan shall be submitted to Eden Township.

503.05 **Partial Release of Funds.** As the work of installing the required improvements proceeds, the party posting the financial security may request Eden Township or authority to release or authorize the release, from time-to-time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be

in writing addressed to Eden Township or to the governing body of the public agency and shall be accompanied by as built drawings. Eden Township or authority shall have forty-five (45) days from receipt of such request within which to allow the Eden Township or authority engineer, as appropriate, to certify, in writing that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, Eden Township or authority shall authorize release by the bonding company or lending institution of an amount fairly representing the value of the improvements completed. If Eden Township or authority fails to act within said forty-five (45) day period, the governing body of the agency shall be deemed to have approved the release of funds as requested. Prior to final release at the time of completion and certification by its engineer, Eden Township or authority may require retention of ten (10%) percent of the original estimated cost of the aforesaid improvements.

503.06 Release from Improvement Bond

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify Eden Township or authority that will accept dedication of the improvements, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer or authority's engineer. Eden Township or authority shall, within ten (10) days after receipt of such notice, direct and authorize its engineer to inspect the improvements. A detailed report of the inspection shall be prepared and mailed to Eden Township or the authority within thirty (30) days of such authorization. A copy of the report shall also be mailed by registered or certified mail to the developer. The report shall contain the engineer's recommendations of approval or rejection, either in whole or in part, of any improvements. If any improvement is not approved by the engineer, the engineer shall report to Eden Township or authority the conditions and reasons upon which the disapproval is based.
- B. Eden Township or authority shall notify the developer within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of the decision to accept or not accept the improvements.
- C. If Eden Township or authority or the municipal engineer or engineer for the authority fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been

approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

- D. If any portion of the said improvements shall not be approved or shall be rejected, 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.

SECTION 504 Inspection During Construction.

504.01 Inspections Required. Eden Township and/or the authority which is to inspect the improvement shall require inspections of the Plans for correctness, and an inspections of the construction of the improvements. Eden Township may elect to perform inspections of the construction for any improvement that will be accepted under their jurisdiction, in which case the financial guarantee will be deposited in the municipality or authority's name, by notifying Eden Township for each project that inspection responsibility will be assumed. The applicant shall agree to pay the cost of any such inspections. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipal engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to Eden Township or the authority when fees are not reimbursed or otherwise imposed on applicants.

- A. In the event the applicant disputes the amount of any such expense in connection with the inspection, the applicant shall within ten (10) working days of the date of billing, notify Eden Township or the authority which performed the inspection that such expenses are disputed as unreasonable or unnecessary. A subdivision or land development application or any approval or permit related to development shall not be delayed or disapproved due to the applicant's request over disputed engineer expenses.
- B. If, within twenty (20) days from the date of billing, Eden Township or the authority and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and public agency shall jointly, by mutual agreement, appoint another

professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

- C. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall pay the entire amount determined in the decision immediately.
- D. In the event that Eden Township or the authority and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, Eden Township or the applicant within the preceding five (5) years.
- E. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000) or more, Eden Township or authority shall pay the fee of the professional engineer, but otherwise each party shall pay one-half of the fee of the appointed professional engineer.
- F. The developer shall provide at least seventy-two (72) hours' notice prior to the start of construction of any improvements that are subject to inspection.

SECTION 505

Dedication of Improvements. All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by Eden Township or authority by ordinance, resolution, deed, or other formal document. No responsibility of any kind with respect to improvements shown on the Final Plan shall be transferred until the improvements have been formally accepted. No improvement shall be accepted for dedication except upon submission of as-built drawings by the developer and inspection of the final construction.

SECTION 506

Maintenance Guarantee. When Eden Township and/or authority has accepted dedication of certain improvements, it may, at its discretion, require the applicant to submit 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 plans. Such guarantee shall be posted or shown on the application for one (1) year after the construction thereof, or until acceptance of improvements has been consummated, a period not to exceed eighteen (18) months. Such financial security shall be of the same type as required to guarantee construction of improvements, and shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

ARTICLE VI

DESIGN STANDARDS

SECTION 601 **General.** The standards and requirements contained in this Article shall apply as minimum design standards for subdivisions and/or land developments as prescribed in Section 102 of this Ordinance.

601.01 **Compliance with Municipal Ordinances Required.** All plans shall be designed in compliance with the Eden Township zoning ordinance and all other applicable ordinances and requirements.

601.02 **Municipal Approvals Required Prior to Plan Submission.** Whenever the Eden Township 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, the applicant shall obtain such special exception or conditional use approval from the Eden Township governing body or zoning hearing board, 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 granting of such special exception or conditional use by the municipal governing body or zoning hearing board, as applicable.

601.03 **Variances Required Prior to Plan Submission.** Whenever the plan indicates that a variance from the applicable zoning ordinance shall be required, the applicant shall obtain such variance from the Eden Township zoning hearing board prior to the submission of the Preliminary Plan. The plan shall be designed and developed in accordance with any conditions which have been imposed upon the granting of such variance by the zoning hearing board.

SECTION 602 **Streets, Access Drives and Driveways.**

602.01 **General Arrangement.** The following criteria shall be considered in the design of streets in all subdivision and land development plans:

- A. The arrangement of streets shall conform to the circulation plan of the County and municipal comprehensive plans, to official maps, and to such County, Municipal and State road and highway plans as have been duly adopted.
- B. For streets not shown on the circulation plan or official map, the arrangement shall provide for the appropriate extension of existing streets and shall conform as closely as possible to the original topography.

- C. Residential local streets shall be arranged so as to minimize through traffic and discourage excessive speeds.
- D. Streets shall be designed with drainage grates that are safe for crossing by bicycles or horse-drawn vehicles.
- E. Adequate vehicular and pedestrian access shall be provided to all lots.
- F. Curvilinear streets and cul-de-sacs should be utilized only where their use will be consistent with adjoining development patterns, topography, and natural features of the site. Cul-de-sacs shall not be used where it is possible to provide loop streets that provide better access for emergency vehicles, fewer restrictions for snow removal, and improved pedestrian access. Curvilinear streets shall not be used immediately adjacent to an existing grid street system without providing a transition that continues and protects the historic grid. New project street systems, platted adjacent to an existing borough or village, shall not be merely looped back on local access streets within the borough or village, but shall connect with or be designed to connect with, in the future, streets of a higher class (See Appendix 2). Consideration shall be given to the dispersal of traffic from commercial and employment centers, and to the ultimate functioning of the street system.
- G. Streets shall be laid out to provide convenient and safe access to the property. Where appropriate, the Board may require additional cartway improvements and/or right-of-way width along existing street frontages to accommodate the anticipated traffic increases and to facilitate vehicular turning movements to and from individual lots.
- H. Where a development abuts an existing or proposed arterial street, Eden Township may require the use of marginal access streets, reverse frontage lots, or other such treatment that will provide protection for abutting properties, reduce the number of intersections with the arterial street, and separate the local and through traffic.

602.02 Street Hierarchy.

- A. Streets shall be classified in a street hierarchy system with design tailored to function and average daily traffic (ADT).

- B. The street hierarchy system shall be defined by road function and ADT, calculated by trip generation rates prepared by the Institute of Transportation Engineers (ITE) as indicated in Appendix 1 or as listed in the latest edition of the ITE Trip Generation Manual. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
- C. Each street shall be classified and designed for its entire length to meet the standards for one of the street types defined in Appendix 2.
- D. The applicant shall demonstrate to Eden Township's satisfaction that the distribution of traffic to the proposed street system will not exceed the ADT thresholds indicated in Appendix 2 for any proposed street type for a design period of ten (10) years from the proposed date of completion of the road.
- E. Private Streets. Private streets shall meet the design standards of these regulations for local access streets. All subdivision streets may be dedicated to the public unless design objectives of the development warrant private ownership. Approval of a subdivision involving a private street shall be solely at the discretion of Eden Township. Applications which propose a private street shall be accompanied by an agreement which shall be recorded with the Lancaster County Recorder of Deeds as part of the Final Plan. This agreement shall establish the conditions under which the street will be constructed and maintained, as well as conditions controlling an offer of dedication, and shall stipulate:
 - (1) That the street shall be constructed and maintained to conform to the specifications of this Ordinance.
 - (2) That the owners of the abutting lots will include, with any future offer for dedication, sufficient monies, as estimated by the municipality, to restore the street to conformance with municipal standards.
 - (3) That an offer for dedication of the street shall be made only for the street as a whole.
 - (4) The method of assessing maintenance and repair cost.
 - (5) That an agreement by the owners of fifty-one (51%) percent of the front footage thereon shall be binding on the owners of the remaining lots.

- F. Arterial Street Design. The design standards for arterial streets shall be as specified by the Pennsylvania Department of Transportation for state roads, and by Eden Township road ordinances for municipal roads classified as arterial streets under the Federal Aid System. An arterial street is a street which provides for inter-community travel. Applications which propose developments or subdivisions along arterial streets must include citations to appropriate current road specifications and standards or include notice of improvement and access approval from the appropriate agency.

602.03 Determination of Required Right-Of-Way and Cartway Width for Local and Collector Streets.

- A. Right-of-way and cartway width for each local and collector street classification shall be determined by the proposed use, projected ADT and the intensity of development of each street.
- B. Parking and shoulder requirements shall also be based on intensity of development. Intensity of development shall be determined by lot frontage and ADT as follows:

Table I

INTENSITY OF DEVELOPMENT

LOT FRONTAGE (IN FEET)	AVERAGE DAILY TRAFFIC		
	Less than 400	400 to 1000	Greater than 1000
Less than 149	Low	Medium	High
150 or More	Low	Low	Medium

- C. Right-of-way and cartway widths for each street classification are as shown in Appendix 3. Each street shall be designed for its entire length, to meet the design requirements of the most intense use with all non-residential uses designed to commercial/industrial street standards. All plans shall be designed to provide for the entire required right-of-way and cartway.
- D. The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the cartway, curbs, shoulders, sidewalks, graded areas, utilities and shade trees.

- E. The right-of-way width of a new street that is a continuation of an existing street shall in no case be continued at a width less than the existing street. Where the right-of-way width of the new street is greater than the existing street, a transition area shall be provided, the design of which is subject to Eden Township approval.
- F. The right-of-way shall reflect future development as indicated by the duly adopted Eden Township comprehensive plan or official map.

602.04 Shoulders.

- A. Eden Township shall require construction of shoulders and drainage swales where curbs are not required.
- B. Shoulder requirements shall vary according to street hierarchy and intensity of development in accordance with the requirements set forth in Appendix 3, or where non-motorized vehicle use is prevalent.

602.05 Curbs and Gutters.

- A. Curbing may be required by Eden Township for:
 - (1) Storm water management,
 - (2) Road stabilization,
 - (3) To delineate parking areas,
 - (4) Ten (10) feet on each side of drainage inlets,
 - (5) At intersections,
 - (6) At corners, and
 - (7) At tight radii.
- B. Curb requirements shall vary according to street hierarchy and intensity of development in accordance with the requirements of Appendix 4. Curbing shall be required on streets with on-street parking.

- C. Where curbing is required, this requirement may be waived and shoulders and/or drainage swales used when it can be shown that:
 - (1) Shoulders are required,
 - (2) Soil and/or topography make the use of shoulders and/or drainage swales preferable, and/or
 - (3) It is in the best interest of the community to preserve its rural character by using shoulders and/or drainage swales instead of curbs.

In cases of medium development intensity, the curbing requirement may be waived where front setbacks exceed forty (40) feet and it can be demonstrated that sufficient on-site parking exists.

- D. Flexibility regarding curb type shall be permitted as long as the curb type accommodates the system of drainage proposed.
- E. Curbs shall be constructed according to the specifications set forth in Appendix 11, except where Eden Township has adopted curbing standards.
- F. Curbing shall be designed to provide a ramp for bicycles and/or wheel chairs at each intersection, at the principal entrances to buildings which front on parking lots, and at all crosswalks.

602.06 Sidewalks.

- A. Sidewalks and/or graded areas shall be required depending on road classification and intensity of development in accordance with the requirements set forth in Appendix 4.
- B. Where sidewalks are optional, they may be required by Eden Township when the project is close to pedestrian generators such as schools, to continue a walk on an existing street, to link areas, or as indicated in the Eden Township comprehensive plan.
- C. In conventional developments, sidewalks shall be placed parallel to the street within the right-of-way unless a waiver has been granted to preserve topographical or natural features, or to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. In commercial and in high density residential areas, sidewalks may abut the curb.

- D. In planned developments, sidewalks may be located away from the road system to link dwelling units with other dwelling units, the street, and on-site activity centers such as parking areas and recreational areas. They may also be required parallel to the street for safety and other reasons.
- E. Pedestrian way easements ten (10) feet wide may be required by Eden Township through the center of blocks more than six hundred (600) feet long to provide circulation or access to schools, playgrounds, shopping, or other community facilities.
- F. Sidewalk width shall be four (4) feet; wider widths may be necessary near pedestrian generators and employment centers. Where sidewalks abut the curb and cars overhang the sidewalk, widths shall be five (5) feet.
- G. Sidewalks and graded areas shall be constructed according to the specifications set forth in Appendix 4 and 12, except where Eden Township has adopted standards for sidewalks and pedestrian ways.

602.07 Vertical Alignments. Vertical street alignments shall be measured along the centerline. The minimum grade and maximum grade of all streets shall be as specified in Appendix 5 of this Ordinance.

- A. Vertical curves shall be used in changes in grade exceeding one (1%) percent. The minimum lengths (in feet) of vertical curves shall be fifteen (15) times the algebraic difference in grade. For example, if a three (3%) percent upgrade is followed by a four (4%) percent downgrade, the algebraic difference in grade is seven [$3 - (-4) = 7$]; the minimum length of the vertical curve would then be one hundred five (105) feet [fifteen by seven equals one hundred five ($15 \times 7 = 105$)].
- B. Where the approaching grade exceeds seven (7%) percent on any or all streets at a four-way street intersection, or the terminating street at a three-way intersection, a leveling area shall be provided on the street(s) with such excessive grade. Such leveling area(s) shall have a maximum grade or four (4%) percent for a minimum length of seventy-five (75) feet measured from the intersection of the centerlines as specified in Appendix 5.
- C. The grade within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall be as specified in Appendix 5.

602.08

Horizontal Alignments. Horizontal street alignments shall be measured along the centerline. Horizontal curves shall be used at all angle changes in excess of two (2) degrees. Single, long radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments. The minimum horizontal curve radius for streets shall be one hundred and fifty (150) feet.

- A. **Perimeter Streets.** Plans with street locations along the perimeter of a property shall be required to show building setback lines and clear sight triangles within the adjacent properties. Permission shall be obtained from the adjacent landowner.
- B. **Cartway Alignment.** The centerline of the street cartway shall correspond with the centerline of the street right-of-way.

602.09

Street Intersections.

- A. Multiple intersections involving the junction of more than two streets are prohibited.
- B. The distance between the centerline of streets intersecting at grade with a local street shall be no less than one hundred and fifty (150) feet measured along the centerline of the street being intersected based on the safe stopping distance of a road with a design speed of twenty-five (25) mph at a moderate grade.
- C. The distance between the centerline of streets intersecting at grade with a collector street shall be no less than three hundred (300) feet measured along the centerline of the street being intersected based on the safe stopping distance of a road with a design speed of forty (40) mph at a moderate grade.
- D. The distance between the centerline of streets intersecting at grade with an arterial street shall be no less than six hundred (600) feet measured along the centerline of the street being intersected based on the safe stopping distance of a road with a design speed of fifty-five (55) mph at a moderate grade.
- E. Right angle intersections shall be used whenever possible. No street shall intersect another at an angle of less than seventy-five (75) degrees.

- F. The cartway edge at street intersections shall be rounded by a tangential arc with a minimum radius as specified in Appendix 5. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway.
- G. Where appropriate, Eden Township may require additional traffic lanes to facilitate vehicular turning movements at existing or proposed street intersections within or bordering subdivision or land development plans.
- H. Clearly marked crosswalks shall be provided at all intersections when sidewalks or pedestrian easements are provided in a development. Crosswalks may also be required by Eden Township at other locations to promote the convenience and safety of pedestrian traffic. The design of crosswalks and the materials used shall be consistent with other crosswalks in the area.

602.10 Sight Distance at Intersections.

- A. Proper sight distance shall be provided at all new street and all new access drive intersections in accordance with the latest edition of the Pennsylvania Department of Transportation Design Manual - Part 2, Highway Design (Publication 13), Section 2.18.F. Sufficient design and plan information shall be submitted with the plan application proving that this minimum standard will be achieved. Such design information shall be sealed by a professional registered in Pennsylvania to perform such design work.
- B. At all intersections where stop signs or other stop control devices are not proposed, sight triangle easements or dedicated right-of-way shall be required and shall include the area on each street corner that is bounded by the line which connects the sight or "connecting" points located on each of the right-of-way lines of the intersecting street. The planting of trees or other plantings or the location of structures exceeding thirty (30) inches in height that would obstruct the clear sight across the area of the easements or right-of-way shall be prohibited; and a public right-of-entry shall be reserved for the purpose of removing any object, material or otherwise, that obstructs the clear sight. The distances shown in Appendix 6 between the connecting points and the intersection of the right-of-way lines shall be required.

602.11 Lot Access.

- A. Eden Township may disapprove any point of ingress or egress to any lot, tract, parcel, or development from any street or highway when the proposed ingress or egress would create unsafe conditions, reduce the capacity of the adjoining street or highway, or result in substandard circulation and impaired vehicle movement.
- B. Eden Township may require the applicant to provide ingress and egress to a particular lot or tract through the remainder of his property or other properties over which he has control.
- C. In approving ingress or egress from any State road or highway, Eden Township can only approve those access points that are not in conflict with safety standards of the Pennsylvania Department of Transportation. A Highway Occupancy Permit is required for each access point onto a state road or highway.
- D. The receipt of a Highway Occupancy Permit does not assume direct approval of Eden Township. Eden Township may require the applicant to reapply for a permit if the location of the permit approved access is in conflict with any provision of this ordinance or if Eden Township feels the location of the access will hinder the safe and efficient movement on any state road or highway or the proper development of the site. In the event that, after such reapplication, PennDot refuses to modify the Highway Occupancy Permit to conform to the provisions of this Ordinance, the PennDot decision shall prevail.

602.12 Non-motorized Vehicle Lanes. All non-motorized vehicle lanes shall be designed according to one of the following standards:

- A. Separate bicycle paths shall be required if such paths have been specified as part of an adopted municipal comprehensive plan.
- B. Bicycle lanes, where required, shall be placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. The lanes shall be delineated with markings, preferably striping. Raised reflectors or curbs shall not be used.
- C. Separate carriage lanes shall be required if such lanes have been specified as part of an adopted municipal plan or recommended in an adopted transportation study.

- D. Carriage lanes, when required, shall be located adjacent to the outside travel lane of the cartway and may be contained within the shoulder. When on-street parking is permitted, the carriage lane shall be located between the outside travel lane and the parking lane.
- E. Movement within the non-motorized lanes shall flow in the same direction as the adjacent travel lane.
- F. Non-motorized vehicle lanes shall be constructed according to the specifications set forth in Appendix 13.

602.13 Street Provisions for Future Developments. Where appropriate, areas shall be reserved for future street usage in conjunction with the development of adjacent tracts. Areas reserved for future street usage will not be required to be improved; however, these areas shall be reserved for street improvements to be provided by the developer of the adjacent tract.

Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project provided this use is not adverse to the man-made or natural features of the site.

602.14 Extension of Existing Streets. The extension of existing streets which are presently constructed with a cartway different from the standards of this Ordinance shall be provided with a transition area, the design of which is subject to Eden Township approval.

602.15 Street Improvements. All street paving must conform to the following specifications except that for streets to be dedicated to Eden Township the requirements of this Ordinance may be superseded by adopted municipal specifications when such specifications have been adopted prior to the submission of an application for preliminary plan approval.

All new local streets serving predominately residential traffic shall consist of hot-mixed, hot-laid materials in two (2) courses, the lower of which (base course) shall be a bituminous surface (25 mm, 0 – 0.3 ESALs) rolled down to four (4) inches in thickness, and the upper of which (wearing course) shall be a bituminous surface (9.5mm, 0 – 0.3 ESALs) rolled down to 1 ½ inch in thickness.

All collector streets and all streets predominately serving commercial and industrial uses shall consist of hot-mixed, hot-laid materials in three (3) courses, the lower of which (base course) shall be a bituminous concrete base course surface (25 mm, 0 – 0.3 ESALs) rolled down to four (4) inches in thickness, and the middle of which (binder course) shall be a bituminous concrete base course surface (19 mm, 0 – 0.3 ESALs) rolled down to 2

inches in thickness, and the upper course of which (wearing course) shall be a bituminous surface (9.5 mm, 0 – 0.3 ESALs) rolled down to 1 ½ inch in thickness.

All arterial streets shall consist of hot-mixed, hot-laid materials in three (3)-courses, the lower of which (base course) shall be a bituminous concrete base course surface (25 mm, 0.3 – 3 ESALs) rolled down to four (4) inches in thickness, and the middle of which (binder course) shall be a bituminous concrete base course surface (19 mm, 0.3 – 3 ESALs) rolled down to 2 inches in thickness, and the upper course of which (wearing course) shall be a bituminous surface (9.5 mm, 0.3 – 3 ESALs) rolled down to 2 inches in thickness.

All finished streets must maintain ¼ inch per foot crown except on superelevations and shall conform to the horizontal and vertical alignment of the plan as approved.

All paving shall be placed over a minimum 8” stone base.

602.16 Cul-de-Sac Streets.

- A. A cul-de-sac will not be permitted when a through street is feasible. The feasibility of a through street will be based on the physical features of the tract proposed for development, the potential for extension of the street to adjoining lands, restrictions imposed by other government regulations, and the ability of the design to meet all other requirements of this Ordinance. When cul-de-sac streets, are proposed, the application shall be accompanied by a written analysis of the merits of the design and the reasons that a through street would not be feasible. Approval of cul-de-sac streets shall be at the sole discretion of Eden Township.
- B. Permanent cul-de-sac streets, when permitted shall be designed to serve a maximum of two hundred fifty (250) AADT for residential development and a maximum of five hundred (500) AADT for non-residential development.
- C. All cul-de-sac streets shall have a minimum length of two hundred and fifty (250) feet. Permanent cul-de-sac streets shall have a maximum length of six hundred (600) feet. Temporary cul-de-sac streets shall not exceed eight hundred (800) feet in length.
- D. The length of a cul-de-sac street shall be measured from the centerline intersection with the through street to the center point of the turnaround.

- E. Permanent cul-de-sacs shall have a paved, circular turnaround with a minimum radius of fifty (50) feet. The right of way for the turnaround shall maintain the same distance between the cartway edge and the right of way line as is maintained for the straight sections of the street.
- F. Temporary cul-de-sacs may have circular, "T" shaped or "hammerhead" shaped turnarounds. Turnarounds shall be constructed completely within the right-of-way. Restoration of paved areas within the right of way shall be the responsibility of the developer connecting to the temporary cul-de-sac.
- G. Any temporary cul-de-sac street designed for access to an adjoining property or for authorized phased development and which is greater than one lot deep shall be provided with a temporary all-weather turnaround within the subdivision or land development. The use of such turnaround shall be guaranteed to the public until such time as the street is extended.

602.17 Future Access Strips. Future access strips and street plugs are rights-of-way reserved for future street improvements. They shall be designed in conformance with the design requirements of a street, and the contiguous parcels must contain proper setbacks and sight distance reservations.

602.18 Special Purpose Street. Off-street parking must be provided for all parcels which abut a special purpose street, and the prohibition of on-street parking must be identified along the cartway.

602.19 Access Drives. Access drives shall be designed to meet the following requirements

- A. Any property which utilizes an access drive shall have frontage along a public or private street.
- B. The plan shall note that the access drive does not qualify for dedication to the municipality and that the landowner assumes all responsibility for its maintenance.
- C. Access drives shall be designed for their intended function. All travel lanes shall be a minimum of twenty (20) feet wide, however, sufficient design information must be submitted to indicate that the number of travel lanes and width proposed have been designed to accommodate the anticipated traffic to and from the development. In addition, vertical and horizontal alignments of such drives must be designed to allow for the safe and convenient circulation of traffic within the development site. Eden Township may require additional

cartway width or turning lanes if it is determined that the intended use and function of the access drive warrants such design to ensure safety and convenience.

- D. Parallel parking shall only be permitted along access drives when sufficient cartway width is proposed to accommodate both the travel lanes and parking stalls. Perpendicular parking which would require vehicles to back into the travel lanes of an access drive is prohibited.
- E. Access drives shall maintain a centerline separation distance of one-hundred and fifty (150) feet from all other access drives and streets along local streets; three hundred (300) feet along collector streets; and six hundred (600) feet along arterial streets. Access drive intersections with other access drives within the site shall not be subject to such restrictions.
- F. Proper sight distance shall be provided at access drive intersections with existing streets according to the requirements of Section 602.10.
- G. Eden Township reserves the authority to disapprove the location of any access drive intersection with an existing or proposed street as stipulated in Section 602.11.
- H. Access drives shall be paved. The paving specification for access drives shall conform to the specification for parking compounds as set forth in Section 603.01.K

602.20

Driveways. Proposed driveways shall conform to any municipal standards which may exist within the applicable zoning ordinance or separately adopted driveway ordinance. Additionally, all driveways shall, at a minimum, be designed in accordance with the following:

- A. Driveway locations shall not interfere with the normal traffic movement nor be inconsistent with the design, maintenance, and drainage of the street.
- B. Eden Township may limit the number of driveways providing access to a single property or development from collector or arterial streets. Any access from such streets must be designed in conformance with the safe stopping distance and respective intersection separation distance requirements specified in this Ordinance.

- C. Driveway access to a local street shall not be located less than forty (40) feet from the edge of the cartway of any street intersection and shall provide adequate sight distance.
- D. Driveway access to lots shall be provided to the street of lesser classification.
- E. Eden Township may require the joint or shared use of driveways to provide ingress and egress when such design would increase traffic safety by decreasing the potential for vehicular conflicts.
- F. Every lot must be provided with at least one driveway location which meets the above criteria. Should a site contain more than one location which conforms to these requirements, the plan may delineate the range of available driveway locations. As an alternative, the plan may show locations where driveways are not permitted due to noncompliance with this or other applicable ordinance or regulation.

602.21 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. All new street names are subject to the approval of Lancaster County-Wide Communications. Notice that the proposed new street names are acceptable shall be submitted prior to final plan approval. All street names shall conform, where applicable, to the Eden Township plan for street names. Private streets shall be named in conformance with this section. (See Appendix No.35).

602.22 Signs.

- A. Design and placement of traffic signs shall follow the requirements specified in the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation.
- B. At least two (2) street name signs shall be placed at each four-way street intersection and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs should be consistent, of a style appropriate to the municipality, of a uniform size and color, and erected in accordance with municipal standards.

Private streets shall be provided with street name signs in conformance with this section. The plan shall note that it is the responsibility of the developer to install the street name signs for private streets.

- C. Parking regulation signs shall be placed along roadways within the right-of-way in areas that restrict parking.
- D. Site information signs in planned residential developments shall follow a design theme related and complementary to other elements of the overall site design.

602.23 Utility and Shade Tree Areas.

- A. Utilities and shade trees shall generally be located outside the right-of-way on both sides of and parallel to the street. Utilities may cross the right-of-way at approved locations.
- B. Utility and shade areas shall be planted with grass, ground cover, or treated with other suitable cover material.

602.24 Lighting.

- A. Lighting for highway safety shall be provided at street intersections, entryways to commercial land developments, and in parking lots adjacent to public streets.
- B. Lighting shall be provided in accordance with an illumination plan designed by Pennsylvania Power & Light or in conformance with the IES Lighting standards contained in Appendix 10.
- C. Spacing of standards shall be equal to approximately four (4) times the height of the standard.
- D. The maximum height of standards shall not exceed the maximum building height permitted, or twenty-five (25) feet, whichever is less.
- E. The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents, and the design of lighting standards shall be of a type appropriate to the development and the municipality.
- F. Spotlights, if used, shall be placed on standards pointing toward the buildings and positioned so as not to blind the residents, rather than on the buildings and directed outward which creates dark shadows adjacent to the buildings.

602.25 Underground Wiring.

- A. All electric, telephone, television, and other communication facilities, both main and service lines servicing new developments, shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.
- B. Lots which abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.
- C. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines as follows: Alignments and pole locations shall be carefully routed to avoid locations along horizons; clearing swaths through treed areas shall be avoided by selective cutting and a staggered alignment; trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments; and alignments shall follow rear lot lines and other alignments.
- D. Year-round landscape screening of any utility apparatus appearing above the surface of the ground, other than utility poles, shall be required, and approved by the Municipality.

SECTION 603

Vehicular Parking Facilities. All vehicular parking facilities and internal drives within parking areas shall be designed to allow for the safe and efficient movement of vehicles within a development and on the adjacent street.

603.01

General Standards. Off-street vehicular parking facilities shall be provided in accordance with the following standards unless such standards are covered under adopted Eden Township ordinances and therefore supersede these standards:

- A. The number of parking spaces required shall be determined by the Eden Township zoning ordinance or adopted parking ordinance. Should Eden Township not have adopted off-street parking areas,

all subdivisions and land developments shall meet the standards of Appendix 9 of this Ordinance.

- B. Off-street parking areas shall be oriented to and within a reasonable walking distance of the buildings they are designed to serve according to the following standards:
- (1) For commercial and industrial developments, the furthest space in a lot shall be a maximum of one thousand (1,000) feet for employee parking; five hundred (500) to eight hundred (800) feet for customers.
 - (2) For single-family or two-family structures, off-street parking shall be provided behind the street right-of-way line and may be attached or separate garage(s), carport(s), or driveway(s).
 - (3) For multi-family structures of more than two units, off-street parking shall be located within two hundred (200) feet of the structure.
 - (4) Handicapped parking shall be provided for all non-residential developments and multi-family structures of more than two units. These spaces shall be located closest to the nearest accessible entrance. The number of spaces shall be provided according to the following chart:

Total Required Parking Spaces	Minimum Required Handicapped Spaces
5 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 + 1 for each 100

- C. Parking facilities shall not be permitted within five (5) feet of a side or rear property line unless formal arrangements, satisfactory to Eden Township, have been made for the establishment of a common

parking facility unless otherwise specified under the Eden Township zoning ordinance.

- D. Each angled off-street parking space shall measure nine (9) feet in width by nineteen (19) feet in length. Parking spaces for the physically handicapped shall be twelve (12) feet wide. Parallel parking spaces shall measure nine (9) feet wide and a minimum of twenty-three (23) feet long.
- E. Where sidewalks occur in parking areas, parked vehicles shall not overhang or extend over the sidewalk unless an additional two (2) feet are provided in order to accommodate such overhang.
- F. Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the site and surrounding area. Large parking lots, containing more than fifty (50) spaces, shall be broken down into sections, not to exceed fifty (50) spaces, separated from other sections by landscaped dividing strips, berms, and similar elements.
- G. Not less than a four (4) foot radius of curvature shall be permitted for horizontal curves in parking areas.
- H. All dead end parking lots shall be designed to provide, when necessary, sufficient back-up area for all end stalls.
- I. Painted lines, arrows, and dividers shall be provided and maintained to control parking, and when necessary to direct vehicular circulation.
- J. The typical section of any parking compound shall be prepared to meet the following minimum standards:
 - (1) Crushed aggregate based course with a minimum thickness of six (6) inches, as specified in the Pennsylvania Department of Transportation Specifications, Form 408, and its latest revisions, or other PennDOT approved equivalent.
 - (2) Pavement shall consist of a minimum of two and one-half (2-1/2") inches of binder courses and one and one-half (1-1/2") inch wearing surface. Material shall be equal or superior to Pennsylvania Department of Transportation Specifications for Bituminous Surface Course Superpave

and shall be applied in accordance with the Pennsylvania Department of Transportation Specifications, Form 408, and its latest revisions or other PennDOT approved equivalent.

603.02 Parking Facilities for Mixed-Use Developments.

- A. For mixed-use developments, a shared parking approach to the provision of off-street parking shall be permitted following the methodology described in the publication Shared Parking. (Urban Land Institute and Barton Aschman Associates, Inc., Urban Land Institute, 1984).
- B. Where the total number of off-street parking spaces required may not be immediately required for a particular use, a staged development plan may be permitted which requires that only a portion of the parking area, but not less than sixty-five (65%) percent of the required spaces be completed initially.
- C. The site plan shall clearly indicate both the portion of the parking area to be initially paved and the total parking needed to provide the number of spaces required.
- D. The site plan shall provide for adequate drainage of both the partial and total parking areas.
- E. The portion of the parking area not to be paved initially shall be landscaped.
- F. The applicant shall post separate performance guarantees, in addition to the performance guarantees required for other improvements which shall reflect the cost of installing the additional parking facilities necessary to provide the total number of parking spaces required.
- G. Prior to the expiration of a two (2) year period, the applicant may either install the additional parking shown on the site plan or apply to Eden Township after the use has been in operation a minimum of eighteen (18) months for a determination as to whether or not the initial parking area provided is adequate. If Eden Township determines that the parking facility is adequate as originally constructed, the performance guarantees shall be released. If, however, Eden Township determines that the partial off-street parking area is not adequate, the applicant shall be required to install

the additional parking facilities in accordance with the terms of the performance guarantees.

603.03 Bicycle Parking Facilities. Bicycle parking facilities for non-residential land uses shall be provided in accordance with the following regulations:

- A. Five (5%) percent of the first fifty (50) vehicular spaces shall be for bicycle use. If more than fifty (50) spaces are to be provided, at least three (3%) percent of the number of spaces over fifty (50) shall be for bicycle use.
- B. Each bicycle space shall be equipped with a device to which a bicycle frame and one (1) wheel can be attached using a chain or cable. There shall be adequate separation between adjacent devices to allow bicycles to be attached or removed without moving other bicycles. The devices shall also be suitable for use by bicycles not equipped with kickstands, and the appearance of the device shall be generally consistent with nearby urban design features.
- C. Bicycle parking spaces shall be convenient to the structure for which they are provided. They shall be visible from at least one (1) entrance to the structure and shall be provided with lighting.
- D. Bicycle parking devices shall permit at least two (2) feet of free space between any bicycle attached to the device and the edge of the curb or sidewalk. For areas where motor vehicles are permitted to park overhanging the curb or sidewalk, the distance shall be increased to four (4) feet. For roads having no curb or sidewalk, the minimum clearance shall be three (3) feet between any bicycle attached to a parking device and the outside edge of the roadway shoulder.

SECTION 604 Blocks and Lots.

604.01 Lot Configuration. The configuration of blocks and lots shall be based upon the minimum and maximum lot area requirements, the salient natural features, the existing improvements, the proposed improvements, and the adjacent development pattern. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation. Lots with areas that are two (2) or more times the minimum requirements shall be designed with configurations which allow for additional subdivision.

604.02 Residential Blocks.

- A. All blocks in a residential subdivision shall have a minimum length of three hundred (300) feet and a maximum length of ten times the minimum required lot width, not to exceed two thousand (2000) feet.
- B. Blocks along arterial streets shall not be less than eight hundred (800) feet in length.
- C. The design of blocks longer than eight hundred (800) feet shall give special consideration to the requirements of fire protection, pedestrian access, and utility service. Eden Township may require easements as necessary for these purposes.

604.03 Nonresidential Blocks. Blocks in nonresidential areas may vary from the requirement of Section 604.02 when required by the nature of the use. Adequate provisions shall be made for off-street parking, loading areas, and traffic circulation.

604.04 Specific Lot Configuration Requirements.

- A. In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply.
- B. Generally, side lot lines shall be radial to street right-of-way lines. Exceptions may include cases where proposed lot lines follow existing lot lines, improvements, or natural features.
- C. All lots shall front on a public street, unless a private street is approved for access pursuant to Section 602.02(E). Principal vehicular access to lots shall be provided from the frontage along the approved street.
- D. Lots resulting from a proposed subdivision that will be large enough to be further subdivided shall be configured to facilitate such future subdivision. Adequate street right-of-way shall be provided as necessary. Eden Township may require a sketch plan of such large lots that indicates the potential future subdivision generally in conformance with the design standards of this Ordinance.
- E. Subdivisions shall be designed to accommodate the current and future development of the tract being subdivided, the development

potential of adjacent lands, the development goals and policies of the applicable comprehensive plans, and applicable standards of the zoning ordinance. Flaglots shall not be created when lots can be designed that directly access an existing or proposed public or private street. Whenever possible, lots shall be designed with adequate access by providing the required lot width at the street right of way line. Flaglots shall not be created when such design would limit or restrict the development potential of lands or would prevent a landowner from using the land at the maximum lawful densities.

Notwithstanding the above, flaglots may, in limited situations, represent a viable design alternative. In such cases Eden Township may, at its sole discretion, approve the platting of flaglots when:

- (1) Flaglots are designed for infill situations in which a court is to be created by the placement of not more than two flagpoles side-by-side and where up to four (4) lots are oriented to a common private street easement. "Infill" shall mean the development of remnants of land created by previous development of a site. The flag lot design shall maximize the permitted density; or
- (2) Flaglots proposed to create lots for home sites which are to be located to the rear of an existing tract of land where there is no potential for the construction of a public or private street to provide access to the proposed lot. In such cases, the applicant must demonstrate that there is no potential to construct a street due to (a) severe topographic or other environmental constraints which limit the design of a street, or (b) other factors inherent in the site which make the construction of a public or private street impractical. In such cases, evidence shall be submitted to Eden Township which documents the above circumstances and demonstrates that the platting of flaglots shall not restrict the development potential and pattern of development of the tract and adjacent lands, shall not result in unsafe driveway locations on public streets, and shall not restrict future development at the maximum lawful density, or
- (3) Flaglots proposed on agriculturally zoned land so as to create building lots on the least agriculturally suitable portion of the tract. Evidence shall be presented which demonstrates why the area of the proposed flag lot is less productive or inappropriate for agricultural uses. The proposal shall

identify how the proposed flag lot will be coordinated with any further development of the farming operation permitted by the applicable zoning regulations.

- F. No more than two contiguous flaglots shall be permitted.
- G. The "flagpole" or access portion of the flag lot shall maintain a minimum width of twenty-five (25) feet and shall not change direction more than once. The area of the flagpole shall not be included with the area of the "flag" or the body of the lot in satisfying Eden Township zoning standards for minimum lot size unless otherwise specified under the Eden Township zoning ordinance.
- H. No portion of any "flagpole", shall be used for on-site sewage disposal or other improvements other than access improvements.
- I. Eden Township may attach any reasonable conditions to the creation of flaglots as it finds necessary or desirable to provide for the orderly development of land and street systems.
- J. Double frontage lots are prohibited except where provided as reverse frontage lots. Reverse frontage lots are only permitted when a reduction of driveway intersections along a street with a high volume of vehicular movements is desired. Additionally, reverse frontage lots may be permitted when rear alleys are proposed to provide vehicular access to lots. All reverse frontage lots shall include an identification of the frontage for use as a road access.
- K. All residential reverse frontage lots shall have within every rear yard that is adjacent to any street right-of-way, other than an alley, a planted buffer easement of at least ten (10) feet in depth, running the entire width of the proposed lot, across which there shall be no vehicular access.

SECTION 605

Easements. Easements for sanitary sewer facilities, storm water drainage facilities, public or private utilities, or pedestrian access shall meet the following standards:

- 605.01 Location of Easements.** To the fullest extent possible, easements shall be adjacent to property lines.
- 605.02 Easement Conflicts Prohibited.** Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.

605.03 **Width of Pedestrian Easements.** Pedestrian easements shall have a minimum width of six (6) feet. Pedestrian easements located in the middle of the block pursuant to Section 602.06 (E) shall have a minimum width of ten (10) feet.

605.04 **Width of Utility Easements.** Public utility easements shall have a minimum width of twenty (20) feet, and private utility easements shall have a minimum width of ten (10) feet. All utility companies are encouraged to use common easements.

605.05 **Stormwater Drainage Easements Required.** The applicant shall reserve easements where storm water or surface water drainage facilities are existing or proposed, whether located within or beyond the boundaries of the property. Easements shall have a minimum width of twenty (20) feet and shall be adequately designed to provide area for the collection and discharge of water, the maintenance, repair, and reconstruction of the drainage facilities, and the passage of machinery for such work. The easements shall clearly identify who has the right-of-access and responsibility of maintenance.

605.06 **Variable Petroleum Easement Widths.** Where any petroleum or petroleum product transmission line traverse a subdivision or land development, the applicant 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 petroleum or petroleum product transmission line. Additionally, Eden Township will require, with the Final Plan application, a letter from the owner of the tract and the right-of-way, a copy of the recorded agreement which shall contain the above data.

SECTION 606 **Survey Monuments and Markers.**

606.01 Sufficient concrete monument locations must be shown on the final plan to define the exact location of all streets and to enable the re-establishment of all street lines. In general, they shall be set on the street line on one side of the street at the beginning and ending of all curves and at those points on the curve at the street intersections necessary to establish the actual intersection.

606.02 Permanent stone or concrete monuments shall be accurately placed along at least one side of each street at the beginning and end of all curves and at all angles.

As an alternative to permanent stone or concrete monuments for streets with concrete curbs, holes may be drilled in the curb along at least one side of each street at the beginning and end of all curves and at all angle points. In the event that any of these points are inaccessible, drilled holes in the curb, offset and referenced from lot corners may be substituted providing there is no more than three hundred (300) feet between drilled hole locations.

606.03 Markers shall be set at all points where lot lines intersect curves, at all angles in property lines and at the intersection of all other property lines.

606.04 Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper or brass dowel; stone or precast monuments shall be marked on the top with an identifiable inscription and a drill hole. Markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than three-quarters (3/4) of an inch in diameter.

Drill Hole Specifications. Holes shall be drilled in concrete curbs (with or without PK nails or discs) having a minimum diameter of one-quarter (1/4) inch. The depth of the holes shall be such that a PK nail or disc, if used, can be set in as close to the surface of the curb as possible. Minimum depth without the use of PK nail or disc shall be one-half (1/2) inch. In the absence of PK nails or discs, chisel or saw marks shall be used to facilitate and identify the drill hole locations.

606.05 All monuments, markers, and drilled holes shall be placed by a registered professional land surveyor so that the scored marked point, or center of the drilled hole shall coincide with the point of intersection of the lines being monumented or marked.

606.06 All existing and proposed monuments, lot line markers, property corners, and drill holes shall be shown on the Final Plan. Those that are proposed shall be labeled as such. Drilled holes in curbing shall be referenced mathematically to a point on the right-of-way line.

SECTION 607 Storm Water Management and Floodplain Controls.

Refer to the adopted Eden Township Stormwater Management Ordinance, as may be amended.

607.01 Wetlands. In addition to the above requirements no subdivision or land development shall involve uses, activities or improvements which would entail encroachment into, the regrading of, or the placement of fill in wetlands in violation of state or federal regulations. Applicants must submit

evidence to Eden Township that, if wetlands are present on the site, the Pennsylvania Department of Environmental Protection (Bureau of Waterways Engineering and Wetlands) and the U.S. Army Corps of Engineers have been contacted to determine the applicability of state and federal wetland regulations. Any approval of Eden Township shall be contingent on full compliance with any requirements of any regulatory agency, and no action by Eden Township shall be relied on in lieu of a permit issued by the appropriate agency.

SECTION 608

Landscaping. Landscaping shall be provided, consistent with the standards of this Ordinance, in all subdivisions and land developments, except where Eden Township Zoning Ordinance has more restrictive specifications, in which case those standards shall supersede this Ordinance.

608.01

Buffer Planting.

- A. Buffer planting shall be provided along the rear of reverse frontage lots and along the side and rear lot lines of commercial or industrial properties where such lots abut residentially zoned property. Parking and buildings are prohibited within the buffer area. The use of the buffer area for access ways shall be limited. Buffer areas shall consist of one (1) row, staggered, of mixed evergreen and deciduous trees which shall be at least six (6) feet in height when planted and shall be spaced not more than ten (10) feet apart on center and two rows, staggered, of mixed broad leaf and needle evergreen shrubs which shall be at least three (3) feet in height when planted and shall be spaced not more than five (5) feet apart on center. The trees shall be of such species so as to attain a height at maturity of not less than twenty (20) feet. The shrubs shall be of such species as to provide continued screening from the ground to a height of six (6) feet at maturity. Deciduous plant materials shall comprise no more than thirty (30%) percent of the number of plants in the buffer. The required height of the buffer planting may be achieved in part by mounding or installation of plants along a berm.
- B. Service loading and trash disposal areas such as dumpster or compactor sites shall be effectively screened so as not to be visible from parking areas, roadways, or adjacent properties. Such areas shall be screened with a combination of architectural masonry (or fencing) and landscaping with a height of at least six (6) feet.
- C. Parking and storage of vehicles in front yards of properties, other than lots in single-family subdivisions, shall be screened from the public right-of-way by an earthen berm and/or plant matter which

provides a dense visual screen to six (6) feet in height at maturity. Plant matter shall consist of two rows of mixed broad leaf and needle evergreen shrubs planted in staggered rows. Plants shall be spaced not more than five (5) feet apart on center and shall be at least three (3) feet in height when planted. Additional planting in the form of non-canopy trees and deciduous shrubs is acceptable.

- D. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Standard of Nursery Stock, ANSI Z60, current edition, as amended.

608.02 Existing Wooded Areas. Existing wooded areas shall be protected to prevent unnecessary destruction. In the Conservation District at least sixty (60%) percent of the number of trees (minimum trunk caliper of five (5) inches at six (6) inches above ground) that exist at the time of Plan submission shall be maintained or replaced immediately following construction. In all other Zoning Districts, at least twenty-five (25%) percent of the number of trees (minimum trunk caliper of five (5) inches at six (6) inches above ground) that exist at the time of Plan submission shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of two (2) inches at a height of six (6) inches above finished grade and located within unbuildable sections of the site (i.e., floodplain, steep slope, and setback areas). Plans shall be submitted showing existing trees and proposed construction and which indicate conformance with this Section.

608.03 Street Trees. Except where street trees are prohibited or restricted by Eden Township ordinance, street trees shall be provided in all residential subdivisions with densities greater than one (1) dwelling per acre and all commercial and residential land developments. Street trees may be required by Eden Township in other developments. All street trees shall be provided by the applicant in accordance with the following standards:

- A. The trees shall be nursery grown in a climate similar to that of the locality of the project. Varieties of trees shall be subject to the approval of Eden Township.
- B. 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.

- C. The trunk diameter, measured at a height of six (6) inches above finish grade, shall be a minimum of two (2) inches.
- D. Trees shall be planted between the street right-of-way line and the building setback line except where the municipality have authorized placement of trees within the street right-of-way. The trees' growth shall not interfere with the street cartway, sidewalk, or utility line. Street tree branching shall not interfere with clear sight triangles. Typical branching shall not be within ten (10') feet of ground level after ten (10) years of growth.
- E. All planting shall be performed in conformance with good nursery and landscape practice and to the standards established by the authority which accepts ownership of the planting.
- F. Requirements for the measurements, branching, grading, quality, balling, and the burlapping of trees shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSI Z60, current edition, as amended.
- G. One tree shall be planted for every fifty (50) linear feet, or major fraction thereof, of street frontage. Spacing shall not be less than twenty (20) feet and not more fifty (50) along the right-of-way, and shall be located so as to maximize the growth potential of the plant material, minimize the potential for root interference with public infrastructure, and enhance the quality of the development. Street trees shall be one of the following species:

Large Trees:

Autumn Blaze Maple	Acer x freemani
Armstrong Maple	Acer x freemani
<i>Red Maple*</i>	Acer rubrum
Bowhall Maple*	Acer rubrum
<i>October Glory Red Maple*</i>	Acer rubrum
<i>Red Sunset Red Maple*</i>	Acer rubrum
London Plane Tree	Platanus x acerifolia
<i>Shumard Oak*</i>	Quercus shumardii
<i>Red Oak*</i>	Quercus rubra
<i>Swamp White Oak*</i>	Quercus bicolor
<i>Sawtooth Oak*</i>	Quercus acutissima
<i>Bald Cypress</i>	Taxodium distichum
Lacebark Elm	Ulmus parviflora
Morton Elm	Ulmus japonica x Ulmus wilsoniana

Green Vase Zelkova

Zelkova serrata

Medium Trees:

Hedge Maple	Acer campestre
<i>Belle Tower Sugar Maple</i>	Acer saccharum
Fort McNair Red Horsechestnut*	Aesculus x carnea
Fastigate European Hornbeam	Carpinus betulus
Katsura Tree	Cercidiphyllum japonicum
<i>Shademaster Honey Locust</i>	Gleditsia triacanthos var. inermis
<i>Skyline Honey Locust</i>	Gleditsia triacanthos var. inermis
Goldenrain Tree	Koelreuteria paniculata
<i>Black Gum</i>	Nyssa sylvatica
<i>American Hophornbeam</i>	Ostrya virginiana
<i>Muhlenberg Oak*</i>	Quercus muehlenbergii

Small Trees:

Paperbark Maple	Acer griseum
Constellation Dogwood	Cornus florida x Cornus kousa
<i>Thornless Cockspur Hawthorn</i>	Crataegus crusgalli var. inermis
<i>Ohio Pioneer Hawthorn</i>	Crataegus crusgalli var. inermis
Centurion Crabapple	Malus x zumi x Almey
Persian Parrotia	Parrotia persica
Columnar Sargent Cherry	Prunus sargentii
Alternatives – Snow Goose, Pink Flair	
Okame Flowering Cherry	Prunus subhirtells
Autumnalis Flowering Cherry	Syringa reticulata

*Trees are noxious for Agricultural Livestock and should not be planted in locations that may impact animal health.

Other tree species may be used provided acceptable information is submitted to indicate that the species are hardy street trees. No one species shall comprise more than twenty-five (25%) percent of the entire number of street trees in a particular development.

- H. Street trees are to be maintained and guaranteed for a minimum of two years. Planting of trees shall occur within the standard planting season (March through November). No more than one-third (1/3) of the tree shall be damaged or dead without replacement. Replacement trees shall conform to all requirements of this section and shall be maintained and guaranteed for a minimum of two planting seasons.

608.04 **Ground cover.** Ground cover shall be provided on all areas of the project to prevent soil erosion. All areas which are not covered by paving, stone, or other solid material shall be protected with a suitable ground cover, consisting of spreading plants including sods and grasses less than eighteen (18) inches in height.

SECTION 609 **Sanitary Wastewater Disposal and Water Supply.**

609.01 **Sanitary Wastewater Disposal.** The applicant shall provide the highest type of sanitary wastewater disposal facility consistent with existing physical, geographical, geological, and economic conditions. The following types of sanitary sewage wastewater disposal facilities are listed in order of desirability:

- A. Publicly owned sanitary wastewater disposal system.
- B. Privately owned sanitary wastewater system used by one unit of occupancy with subsurface absorption.
- C. Privately owned sanitary wastewater system used by two (2) or more units of occupancy with treatment other than subsurface absorption or holding tank which is owned by a single individual.
- D. Privately owned subsurface absorption or drainage fields used by two (2) or more units of occupancy.
- E. If the project is located within an Urban Growth Boundary or if the site is within an area planned for sewer service by a municipal sewage facilities plan adopted pursuant to Act 537 of 1966 and if public sewer service is available within the following distances, subdivisions and land developments shall be connected to an existing public sanitary sewer system: two hundred (200) feet for one-unit; four hundred (400) feet for two-unit; six hundred (600) feet for three-unit; eight hundred (800) feet for four-unit; and one thousand (1,000) feet for five-unit to fifteen-unit developments. For developments of greater than fifteen (15) units which are within one mile from an existing public sanitary sewer system, adequate justification shall be provided as to why they should not provide a connection to the existing public sanitary sewer system. For developments of greater than fifteen (15) units which are more than one mile from an existing system, the sanitary sewer strategy shall be determined on a case-by-case basis, taking into consideration the density of development, economic considerations, and the requirements of the municipal sewage facilities plan.

- F. If a public system is not in place or cannot be extended, the developer may provide individual subsurface disposal systems subject to applicable regulations of the Pennsylvania Department of Environmental Protection. Provided that, if a public sanitary sewer system will be provided to such areas within a six-year period as indicated in the municipal sewage facilities plan, adopted pursuant to Act 537 of 1966, Eden Township may require installation of a capped system within the road right-of-way.

- G. Eden Township shall require that approval from the Pennsylvania Department of Environmental Protection be granted prior to approval of the Final Plan:
 - (1) When appropriate, Eden Township may conditionally approve the Final Plan on condition that receipt of DEP approval of the Plan Revision Module be submitted to the Township prior to the recording of the plan.
 - (2) When a Plan Revision Module for Land Development is not required, or such approval has been waived by the appropriate authority, written notice of such action shall be submitted.

- H. When connection to an existing sanitary sewer system is proposed:
 - (1) The Preliminary plan application shall include a statement from the authority or organization providing such service that sufficient capacity to service the proposed development is available. Such notice shall:
 - (a) Be dated within six (6) months of the plan application
 - (b) Identify the term of the reservation
 - (c) Provide capacity for the entire development [partial capacity, based on phases of development, will not be acceptable].
 - (2) The Final plan application shall include a statement from the authority or organization providing such service indicating approval of the plans for design, installation and financial

guarantees as well as indicating the reservation of sufficient capacity to accommodate the project.

- I. Where on-site sanitary wastewater disposal facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary subsurface wastewater disposal system at a safe distance from building and water supply in accordance with Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended. If municipal ordinances require that all newly created lots be tested by a sewage enforcement officer, such testing to prove that each lot is suitable for on-site wastewater disposal shall be completed prior to the submission of the Final Plan. No lot shall be created in an area without public sewer, unless such lot is suitable for on-site wastewater disposal.

609.02 Water Supply. Whenever an existing or approved water system is accessible to a proposed project, a distribution system shall be provided to furnish an adequate supply of water to each unit.

- A. Applicants shall submit to Eden Township documentation in the form of a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission that the project is located in an area served by a public utility and a statement that the utility has the capacity to serve the project at this time; or a cooperative agreement or an agreement to serve the project from a bona fide cooperative association of lot owners or from a municipal corporation, authority, or utility. A water system shall be considered accessible to a project, and shall be connected to the project, if public service is available within the following distances: two hundred (200) feet for one unit; four hundred (400) feet for two units; five hundred (500) feet for three to ten units; and within one thousand (1,000) feet for any development resulting in ten (10) or more units of occupancy.
- B. Whenever the water supply system contains sufficient capability or is planned to have such capability within two (2) years from the date of Final Plan approval, fire hydrants shall be provided; when provided, the location and kind of fire hydrant shall meet the specifications of the local fire company and the municipality when applicable. A copy of the approval of such system by the appropriate agency or utility company which provides the service shall be submitted with the Final Plan. Suitable agreements shall be

established for the ownership and maintenance of such a distribution system.

- (1) Hydrants shall be spaced to provide necessary fire flow, and the average area per hydrant typically should not exceed one hundred twenty thousand (120,000) square feet. In addition, hydrants shall be spaced so that each residence shall be within six hundred (600) feet of a hydrant.
- (2) A hydrant shall be located at all low points and at all high points with adequate means of drainage provided.
- (3) If an approved water system will be extended to the subdivision within six (6) years, Eden Township may require installation of a capped water distribution system.

C. Where a regional system is not accessible, particularly where on-site sanitary disposal systems are to be used, a community water supply may be required. If such a system is provided, it shall be approved by the Pennsylvania Department of Environmental Protection, and appropriate measures shall be provided to ensure adequate maintenance.

D. When connection to an existing water supply system is proposed, the Final Plan application shall include a statement from the authority or organization providing such service indicating the approval of the plans for design, installation, and financial guarantee.

609.03 Aquifer Test Required. Prior to installation of any new water system or the subdivision of land into lots which would be served by individual wells in areas or in proximity to areas of known groundwater contamination or inadequate yields of potable supplies, aquifer and water quality tests shall be performed. Areas of known groundwater problems shall be mapped and such information shall be maintained in the offices of Eden Township.

A. Areas of known ground water problems shall include:

- (1) Areas underlain by serpentinitic or schistostic geologic formations.
- (2) Areas in proximity (one (1) mile) of sinkholes, ghost lakes, or drainage entering the ground.

- (3) Contaminated aquifers, including designated clean-up sites.
- (4) Other areas with documented water quantity or quality problems, including pollutants in excess of federal safe drinking water standards.

B. Aquifer Test Standards and Procedures. No person shall develop land within an area of known groundwater quantity problems without administering and passing on said land the aquifer test required by this Section in compliance with the following objectives, standards, methods and procedures:

- (1) **Test Objective.** The objectives of an aquifer test shall be one or more of the following:
 - (a) To obtain sufficient data for the calculations of aquifer performance, including the coefficients of transmissibility and storage, permeability, and specific yield.
 - (b) To determine the location and character of geologic boundaries.
 - (c) To ascertain the effects of well interference.
 - (d) To provide a guide in the spacing of wells for the development of a well field.
- (2) **Test Standard.** The aquifer test shall establish that the proposed well is capable of supplying potable water at the minimum rate of four hundred (400) gallons per day per unit of occupancy at a demand rate of not less than three (3) gallons per minute for one (1) hour, either with or without the use of a storage system.
- (3) **Test Supervision and Evaluation.** The aquifer test shall be conducted under the supervision of a qualified geologist or professional engineer, using testing procedures hereinafter set forth. The geologist or engineer shall be responsible for notifying Eden Township five (5) working days prior to the start of the test. He or she will also summarize the test and its significance and make recommendations as to the suitability of the well or wells for the intended uses. The final report of the supervising person shall include an

opinion as to whether the proposed use of the well will have an impact upon other existing wells in the immediate surrounding area. The supervising person shall provide Eden Township with a copy of all field notes and test results.

- (4) **Test Method.** The method for conducting the aquifer test shall be as follows:

An aquifer test shall be conducted for a minimum of twelve (12) hours at a constant rate of pumping. The pumped well shall be the one proposed for the specific subdivision or land development for which the test is conducted. Two (2) observation wells which have hydraulic continuity with the pumped well are required. The preferred method of analysis of the aquifer test data is the non-equilibrium formula, although other methods are available and may be used. These include various methods of analysis of either the drawdown or recovery data.

- (5) **Collection of Data.** Data shall be collected in conjunction with the aquifer test as follows:

(a) Prior to the test:

- (1) Collection of geologic data of the area to be tested including well logs, if available.
- (2) History of water level fluctuations in the area when available.
- (3) The location, relative elevations and static water levels in the pumped well and the observation well or wells.
- (4) The expected discharge of the pumped well.

(b) During the test: A standard aquifer test field data sheet will be required for a pumped well and each observation well. The data sheet shall include columns for listing:

- (1) The date.
- (2) Clock time.

- (3) Elapsed time since pumping started/stopped (in minutes + seconds).
- (4) Depth to water below land surface.
- (5) Drawdown or recovery (in feet) + 10ths.
- (6) Observed discharge at specified intervals

(c) Following the test:

In accordance with recognized principles of well hydraulics, graphs shall be prepared to show time drawdown and time recovery for the pumped well and the observation wells. A distance drawdown graph will be required for anticipated rates of pumping. Computation of the coefficients of transmissibility and storage as well as the rate of pumping, time and drawdown are required as well as other data which may be considered necessary to satisfy the test objectives.

609.04 Water Quality Test. No person shall develop land within an area of known groundwater quality problems without conducting a water quality test. In addition, a water quality test shall be conducted concurrently with any aquifer test required in Section 609.03 of this Ordinance. Such tests shall be conducted by a certified laboratory. The quality of the water tested shall meet the minimum public health drinking water standards as set forth in the National Safe Drinking Water Regulations of the Environmental Protection Agency as it presently exists or may hereafter be amended, or be capable of treatment to attain said standard of quality. No person shall divide or use land unless the water to be supplied by the proposed water system meets the minimum standards set forth herein.

609.05 Criteria For a Request of Exemption. A proposed land development or subdivision which intends to use a groundwater source to supply water to the property may be exempted from these requirements by Eden Township if one or more of the following criteria are satisfied:

- A. The proposed project is located one quarter (1/4) mile or less, in the same geologic unit, from a previous aquifer test, within the past two (2) years, and the previous test showed transmissibility (T) values greater than one thousand (1,000).

- B. The proposed project has had two (2) aquifer tests on different sides of the proposed project within one-half (1/2) mile in the same geologic unit within the past two (2) years, with "T" values greater than one thousand (1,000).
- C. The proposed land development or subdivision is recommended for exemption by a qualified geologist based upon certified hydrogeological information.
- D. If Section 609.04 applies to the proposed project and the documented water problem relates to quality and not quantity, then the aquifer test may be exempted. However, a water quality test must be conducted.

609.06 Hazards Associated with Carbonate Rocks. All subdivisions and land developments located in areas underlain by carbonate geologic formations shall be designed and constructed to minimize any impacts which may affect, increase, diminish, or change any natural drainage, natural springs, or water table. No development that in the opinion of Eden Township poses significant risks in stimulating the formation of sinkholes or in causing hydrologic connection of contaminated surface water with subsurface aquifers shall be approved.

- A. **Hydrogeologic Report Required.** When, in the opinion of Eden Township, there is a probable likelihood that a project will affect or be affected by carbonate geologic hazards Eden Township shall require submission of a hydrogeologic report. In reaching a determination of whether a project will affect or be affected by carbonate geologic hazards, Eden Township shall consider the presence or absence of carbonate features in the vicinity of the project, the testimony of qualified expert witnesses, the recommendation of the affected municipality, and such other reasonable information as may be available. Any hydrogeologic report shall be prepared at the applicant's expense by a hydrogeologist or professional engineer qualified in such matters. Each hydrogeologic report shall contain:

- (1) A map showing all sinkholes, depressions, lineaments, faults, outcrops, springs, drainage entering the ground, water table, soil mottling and ghost lakes, and all features that may relate to the quality and availability of groundwater within a mile distance.

- (2) A map outlining all wells, or drinking water supplies within a radius of three (3) miles of the proposed site.
- (3) A listing of all referenced data, published and otherwise.
- (4) A topographic site map with the site clearly outlined.
- (5) A map indicating the location and design of all on-site wastewater disposal systems.
- (6) A description of anticipated water quality impacts to areas located downgradient and areas located along the geologic strike.
- (7) A description of any mitigation measures that could be applied to minimize impacts of the project or to correct existing problems.

B. Specifications for Stormwater Management Basins

- (1) No stormwater management basin shall be placed in or over the following features:
 - (a) Sinkholes
 - (b) Closed depressions
 - (c) Lineaments in carbonate areas
 - (d) Fracture traces
 - (e) Caverns
 - (f) Ghost lakes
 - (g) Disappearing streams
- (2) Stormwater management basins shall not be located closer than one hundred (100) feet from the rim of sinkholes or closed depressions, nor within one hundred (100) feet from disappearing streams; nor shall these basins be located closer than fifty (50) feet from lineaments or fracture traces; nor shall these basins be located closer than twenty-five (25) feet from surface or identified subsurface pinnacles.

SECTION 610 Parks and Open Space Uses

610.01 Dedication. All plans for residential subdivision of land or residential land developments shall provide for the dedication of land for park and open space uses, and/or, upon agreement by the applicant, the construction of recreation facilities, the payment of fees in lieu thereof, the private reservation of land, or any combination thereof. All dedications of land for park and open space purposes shall be consistent with standards contained within an officially adopted Eden Township comprehensive plan if such chapter meets the intent and criteria of Section 503 (11) of the Pennsylvania Municipalities Planning Code.

Any such offers shall be reviewed by the Township and if agreed upon may be dedicated to Eden Township.

610.02 General Requirements. Applicants shall designate areas of residential subdivisions or residential land developments for parks, playgrounds, or other public open space and recreational uses in accordance with the provisions of Eden Township's adopted master park and recreation plan. If no municipal standards are provided, dedication shall be in accordance with the requirements of this ordinance (Section 610). If the applicable park and open space plan specifically designates a future park site within the proposed development, all plans shall be designed in conformance with such provision and shall identify the location of the land to be dedicated such that it corresponds to the park and recreation plan designation. The applicant shall make an irrevocable offer of dedication of such land to Eden Township. Title to such land shall be good and marketable, free of liens or other defects, and acceptable to the solicitor of Eden Township or other entity which will accept dedication of the land. Eden Township may, upon agreement of the applicant, authorize the transfer of the land to a homeowner's association or to a non-profit corporation whose purpose is the conservation or preservation of land.

610.03 Amount of Land to be Dedicated. The amount of park and open space land to be dedicated shall be equal to, and in conformance with, standards adopted by Eden Township as expressed in their officially adopted park and recreation plan or qualifying comprehensive plan. Where no such standards are provided, the following criteria shall be utilized:

- A. Consistent with the National Recreation and Park Association, the amount of park and open space land to be dedicated shall equal twenty-five hundredths (0.25) of an acre per each one hundred (100) projected residents or fraction thereof. The developer shall provide

Eden Township with information concerning the density based upon the number and type of dwelling units proposed. In the event of a dispute as to the estimated population of the proposed residential subdivision or land development, the determination of Eden Township shall control.

- B. Residential subdivisions of land involving less than two (2) lots individually or cumulatively, and residential land developments consisting of less than five (5) units of occupancy individually or cumulatively, shall be exempt from this requirement.
- C. Residential subdivisions of land where more than twenty (20%) percent of the units are to be reserved for the housing of low-income households or where the housing is financed by public monies, may be exempted from these requirements if adequate parks and open space is provided by other means.
 - (1) The applicant shall enter into an agreement with Eden Township to provide low-income housing and shall demonstrate that such housing, is affordable to low-income households within Eden Township. A low-income household is defined as a household earning less than fifty (50) percent of the median family income of Eden Township.
 - (2) After development, it shall be the responsibility of the developer to present evidence to Eden Township, that the housing, as constructed, is affordable to low-income households. Failure to provide low-income housing when dedication of park and open space land has been exempted because of the pledge to provide such housing shall constitute a violation of this ordinance and shall require that the applicant pay a fee in lieu of the dedication in accordance with Section 610.04 herein.

610.04 Fee in lieu of Dedication. Notwithstanding anything contained in the above Sections, the applicant may, with the consent and approval of Eden Township, elect to pay a fee, to be used only for the purpose of providing, acquiring, operating or maintaining park or recreational facilities reasonably accessible to the development, to the municipality in lieu of the park and open space dedication.

- A. The amount of any fee to be paid in lieu of dedication of land shall be equal to the average fair market value of the land otherwise required by this section of the ordinance or shall be in accordance

with any existing Eden Township adopted flat fee-in-lieu schedule which establishes a fixed price per lot, unit, or acre. The formula to be used in computing the fee based upon fair market value shall be:

$$N \times (\text{average FMV of one acre}) = \text{fee.}$$

Where: N = the number of acres required to be dedicated for park and open space purposed, calculated in accordance with Section 610.03, and FMV = fair market value.

The applicant shall provide Eden Township with all information necessary to determine the fair market value of the land, including but not limited to the following:

- (1) If the applicant is the equitable owner, or purchased the land in fee simple less than two (2) years prior to the preliminary or final plan submission, a copy of the agreement of sale or real estate transfer tax affidavit of value or,
- (2) If the applicant is the equitable owner, or purchased the land in fee simple more than two (2) years prior to the preliminary or final plan submission, an opinion of value of the property by a state certified appraiser acceptable to Eden Township.

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

Such fee shall be payable to Eden Township prior to the recording of each final phase of the plan and shall be in an amount equal to the percentage of the total number of dwelling units in the phase.

610.05 Parkland Acquisition Fund. All fees paid by the developer in lieu of dedication of park and open space land shall be paid to Eden Township and upon its receipt shall be deposited in a separate interest-bearing account. Fees deposited to this account shall be administered as required by the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended by Act 170 of 1988, and as subsequently revised).

610.06 General Design Criteria. Except as provided in Sections 610.08 and 610.09 below, the type of areas to be dedicated for park and open space land within a subdivision or land development plan shall principally involve

neighborhood parks which are defined as “those parks providing primarily active outdoor recreational opportunities located within one half (1/2) mile radius from a majority of the residences to be served thereby”. Exceptions to this will be when dedications are made to a community park which serves the subdivision and is located within a two (2) mile radius of the majority of the residences to be served, or a County park which serves residences located within a ten (10) mile radius.

The land set aside for park and open space uses shall meet the following design criteria:

- A. The park and open space land shall be reasonably located so as to serve all of the residents of the subdivision or land development.
- B. The park and open space land shall be accessible from a public street or shall adjoin and become a part of an already existing public park or open space area which is accessible from a public street. Where access to the park is by public road, the width of the frontage shall be a minimum length deemed necessary by the municipality for access, visibility of the site, and public safety.
- C. No more than twenty-five (25%) percent of the park and open space land shall contain detention basins or other storm water management facilities, or be located within a floodplain or wetland unless such area is part of a linear trail or green way along an existing watercourse.
- D. The park and open space land shall be compact and contiguous and shall meet lot configuration requirements for lots within a residential subdivision unless the land shall be used as a continuation of an existing trail as set forth in Section 610.07, as a trail or linear park as set forth in Section 610.08 herein, or the land is located adjacent to and combined with existing park and open space land, or specific topographic features require a different configuration. An example of such topographic features would be the provision of public open space along a scenic creek.
- E. When the park and open space land required to be dedicated is less than five (5) acres in size, the park and open space land shall be located at a suitable place on the periphery of the subdivision or land development so a more usable tract will result when additional park and open space land is obtained upon development of the adjacent land.

- F. When public park and open space land exists adjacent to the tract to be subdivided or developed, the park and open space land shall be located to adjoin and enlarge the presently existing park and open space land.
- G. At least fifty (50%) percent of the finished grade of the site shall have a slope of three (3%) percent or less unless the land shall be used as a continuation of an existing trail as set forth in Section 610.07, as a trail or linear park as set forth in Section 610.08 herein, or the preservation of specific, valuable topographic features results in a greater slope (e.g. provision of public space along a scenic watercourse).
- H. The park and open space land shall be accessible to utilities such as sewer, water, and power that are provided within the subdivision, and if so requested by Eden Township, the developer shall extend such utilities to the park and open space land.
- I. If the developer is planning to construct facilities for recreation on the dedicated property as an amenity for the development, such facilities shall be constructed in accordance with current standards established by the National Recreation and Park Association. Where applicable, facilities constructed shall also comply with the accessibility guidelines of the Americans with Disabilities Act of 1990. Playground equipment constructed or placed on parkland shall be in compliance with guidelines from the Consumer Products Safety Commission.

610.07 Existing Trails. When a subdivision or land development is traversed by or abuts an existing public trail, customarily used by pedestrians and/or equestrians, the applicant shall make provision for the continued recreational use of the trail subject to alterations of the course of the trail within the boundaries of the development under the following conditions:

- A. The points at which the trail enters and exits the tract shall remain unchanged.
- B. The proposed alteration exhibits quality trail design according to the generally accepted principles of landscape architecture.
- C. The proposed alteration does not run coincidentally with the paved road intended for use by motorized vehicles.

The land set aside for the continuation of such existing trail shall be included within the amount of park and open space land required by Section 610.03 herein.

610.08 Trails and Linear Parks. Eden Township may require, as a condition of final plan approval the dedication and improvement of trails and linear parks, which may be credited toward the park and open space land requirement described in Section 610.03. Trails and linear parks developed and dedicated for public use may be credited toward the park and open space land requirement provided that such trails and linear parks meet the following standards:

- A. Actual dedications of land shall be a minimum width of seventy-five (75) feet, and, if to be dedicated to Eden Township, must be approved by the governing body.
- B. The trail or linear park shall conform to any applicable municipal master park and open space plan, any county-wide trail and recreation master plan, and appropriate Eden Township and County Comprehensive Plans.
- C. The minimum right-of-way width of an easement containing a trail which crosses private land shall be ten (10) feet. Easements may be dedicated to Eden Township, the County, or other organization which, in the judgment of Eden Township, is appropriate. In all cases, however, such easements must provide for public use at reasonable times.
- D. Trails shall have a vertical clearance of no less than ten (10) feet.
- E. Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall such width be less than five (5) feet.

610.09 Municipal Fund Reimbursement. Eden Township may from time-to-time decide to purchase land for parks in or near the area of actual or potential development. If Eden Township does purchase park and open space land within a distance of one-half (1/2) mile, subsequent park and open space land dedications within that area may, upon agreement with the applicant, be in cash only and shall be calculated on a percentage basis to reimburse Eden Township's actual cost of acquisition and/or cost of development of such land for park and open space purposes. The cash amount shall be equal to the sum of the average price per acre of such land plus the actual costs of adjacent streets and on-site utilities (or an estimate of such actual costs

provided by the municipal engineer) divided by the number of lots or dwelling units in the development. Once Eden Township has been reimbursed entirely for all such park and open space land, this subsection shall cease to apply and the other subsections of this section shall again be applicable.

610.10 Additional Recreation Reservations. The provisions of this section are minimum standards and shall not be construed as prohibiting a developer, with the approval of Eden Township, from dedicating or reserving other land for recreation purposes in addition to the requirements of this ordinance.

610.11 Private Reservation of Land. Notwithstanding anything contained in the above sections, the applicant may, with the consent and approval of Eden Township, elect to fulfill the open space requirements through the private reservation of a recreation area.

A. Any project which proposes the private reservation of land shall be accompanied by an agreement, which is acceptable to the solicitor of Eden Township, and which shall be recorded prior to or concurrent with the preliminary plan approval. Such agreement shall stipulate:

- (1) That maintenance of the designated open space is the responsibility of either the applicant, a home owners' association, a condominium unit owners' association, or other recognized conservation organization,
- (2) The availability of such private open space to non-residents of the development and,
- (3) The method by which the private reservation may be offered for public dedication,
- (4) That the land cannot be developed for other than open space purposes, and
- (5) That the land cannot be sold or disposed of by the association except to another organization formed to own and maintain said open space and without first offering to dedicate the land and improvements to Eden Township.

B. If such lands are to become common elements of a homeowners' or unit owners' association of any type, then such association's

organizational by-laws must conform to the requirements of applicable state law.

610.12 Construction of Recreation Facilities. Notwithstanding anything contained in the above sections, the applicant may, with the consent and approval of Eden Township, elect to fulfill the open space requirements through the construction of recreational facilities.

A. All approved recreation facilities constructed in lieu of land dedication shall be completed and dedicated to Eden Township before fifty (50%) percent occupancy has been reached in any applicable subdivision or land development.

Eden Township may avail itself of all remedies provided by the Municipalities Planning Code, including but not limited to, the withholding of permits to ensure compliance with this provision.

SECTION 611 Historic and Cultural Resources.

611.01 Archaeologic Investigations. No project shall be developed on a site identified by the Pennsylvania Historical and Museum Commission as containing features of archaeological significance until:

A. A complete level 1 and level 2 archeological survey of the site is completed; or

B. The State Historic Preservation Officer determines that the project will not disturb the cultural significance or artifacts on the site.

611.02 Method of Survey. If a complete archaeological survey is required, it shall be conducted under the supervision of a professional archeologist in compliance with standards prescribed by the Pennsylvania Historical and Museum Commission. Even if a complete survey is not required, Eden Township may, upon advice of the State Historic Preservation Officer, require the developer to retain the services of, and have present at the site during any excavations or trenching, an archeologist with authority to investigate and document any cultural material that might be unearthed.

611.03 Report Required. A complete copy of the report of the archeologist, including a copy of the field notes shall be submitted to Eden Township and the State Historic Preservation Officer. Arrangements shall be made by the developer for transfer of any significant artifacts to a depository where such items can be conserved and made available for future study.

- 611.04 Preservation of Historic Features.** Subdivisions and land developments shall be designed to preserve, adaptively reuse, or otherwise provide for the historic features of Lancaster County and Eden Township. Modifications or exterior alterations to historic features or sites or new construction adjacent to historic features shall be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties as published by the National Park Service. Subdivisions and land developments shall also be designed so that new structures do not block historic views, or obstruct the view of historic properties, and new construction should be visually complementary to historic structures, consistent with the Secretary of the Interior's Guidelines. If because of size, scale, construction material, or type of use a proposed land development or subdivision would jeopardize the historic value of a site or structure, such new construction shall be screened or otherwise visually buffered.
- 611.05 Demolition Restricted.** No historic feature as defined of this Ordinance shall be demolished or moved from its original foundations without approval of Eden Township. The applicant shall submit to Eden Township a letter from either the State Historic Preservation Officer or from the Preservation Trust of Lancaster County identifying the significance of the property, potential effects of the project that would be adverse, and possible mitigation measures that could be employed. In evaluating any request for demolition of a historic feature Eden Township shall take into account the significance of the property, the condition of the feature the potential for repair, restoration, stabilization, and reuse, the impact of the feature in relation to the total project, and the hardship, if any, on the applicant.
- 611.06 Retention of Local Names.** Applicants are encouraged to perpetuate historic names or geographic references that are traditionally associated with the area in which a project is located, rather than proposing project names that are not consistent with Lancaster County and Eden Township traditions or culture.

ARTICLE VII

TRAFFIC IMPACT STUDIES

SECTION 701

Purpose. Whenever a proposed project will generate one hundred (100) new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant shall perform a traffic impact study. Based on this study, certain improvements may be identified to provide safe and efficient access to the development.

In addition, a traffic impact study shall be prepared whenever either one of the following conditions exist within the impact study area:

- A. Current traffic problems exist in the local area, such as a high-accident location, confusing intersection, or a congested intersection which directly affects access to the development.
- B. The ability of the existing, roadway system to handle increased traffic, or the feasibility of improving the roadway system to handle increased traffic is limited.

SECTION 702

Traffic Impact Study.

702.01

Area of Traffic Impact Study. The traffic impact study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the development or have direct impact upon the access of the development. The intersections shall be determined by the Board of Supervisors.

702.02

Preparation by Transportation Engineer Required. Traffic impact studies shall be prepared under the supervision of qualified and experienced transportation engineers with specific training in traffic and transportation engineering and at least 2 years of experience related to preparing traffic studies for existing or proposed developments.

702.03

Horizon Year. The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full buildout and occupancy. This year shall be referred to as the horizon year in the remainder of this ordinance.

702.04

Non-Site Traffic Estimates. Estimates of non-site traffic shall be made, and will consist of through traffic and traffic generated by all other developments within the study area for which preliminary or final plans

have been approved. Non-site traffic may be estimated using any one of the following three methods: "Build-up" technique, area transportation plan data or modeled volumes, and trends or growth rates.

702.05 Trip Generation Rates Required. The traffic impact study report shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of trips. The trip generation rates used must be either from the latest edition of Trip Generation by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.

702.06 Consideration of Pass-By Trips. If pass-by trips or shared trips are a major consideration for the land use in question, studies and interviews at similar land uses must be conducted or referenced.

702.07 Rate Sums. Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the study report.

702.08 Explanations Required. The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the report.

702.09 Definition of Influence Area. Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty (80%) percent or more of the trip ends that will be attracted to the development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area should be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments.

Other methods such as using trip data from an existing development with similar characteristics or using an existing origin-destination survey of trips within the area can be used in place of the influence area to delineate the boundaries of the impact.

702.10 Estimates of Trip Distribution Required. Trip distribution can be estimated using any one of the following three methods:

- A. Analogy
- B. Trip distribution model

C. Surrogate data

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

702.11

Trip Assignments. Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those producing five hundred (500) or more additional peak direction trips to or from the site during the development's peak hour) through the internal roadways. When the site has more than one access drive, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.

If a thorough analysis is required to account for pass-by trips, the following procedure should be used:

- A. Determine the percentage of pass-by trips in the total trips generated.
- B. Estimate a trip distribution for the pass-by trips.
- C. Perform two separate trip assignments, based on the new and pass-by trip distributions.
- D. Combine the pass-by and new trip assignment.

Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical given characteristics of the road system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.

702.12

Total Traffic Impacts. Traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because

of the removal of a land use. The traffic impact report should clearly depict the total traffic estimate and its components.

702.13 Capacity Analysis. Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the study area. In addition, analyses must be completed for roadway segments, deemed sensitive to site traffic within the study area. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off site and on site. Other locations may be deemed appropriate depending on the situation.

The recommended level-of-service analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed. Eden Township considers the overall level-of-service ratings A, B, C and D to be acceptable for signalized intersections (Levels C or better are considered desirable); level-of-service E or F is considered to be unacceptable.

The operational analyses in the Highway Capacity Manual should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.

702.14 Required Levels of Service. The recommendations of the traffic impact study shall provide safe and efficient movement of traffic to and from and within and past the proposed development, while minimizing the impact to non-site trips. The current levels of service must be maintained if they are C or D, not allowed to deteriorate to worse than C if they are currently A or B, and improved to D if they are E or F.

702.15 Documentation Required. A traffic impact study report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.

A. The documentation for a traffic impact study shall include, at a minimum:

- (1) Study purpose and objectives.
- (2) Description of the site and study area.
- (3) Existing conditions in the area of the development.
- (4) Recorded or approved nearby development.

- (5) Trip generation, trip distribution, and modal split.
 - (6) Projected future traffic volumes.
 - (7) An assessment of the change in roadway operating conditions resulting from the development traffic.
 - (8) Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
- B. The analysis shall be presented in a straight forward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
 - C. The recommendations shall specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required.
 - D. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
 - E. To facilitate examination by Eden Township, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.
 - F. The report documentation outlined above provides a framework for site traffic access/impact study reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections.

SECTION 703

Improvements.

703.01

Responsibility for Improvements. The applicant shall be responsible for the improvements required to provide safe and convenient ingress and egress to the development site.

703.02

Coordination with Municipal Requirements. The applicant shall be responsible for other improvements as may be agreed to with the Board of Supervisors to be installed or paid for by the applicant consistent with provisions of Article V-A of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

ARTICLE VIII

MANUFACTURED HOUSING

SECTION 801

General. In accordance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, manufactured home parks and sites for the placement of manufactured housing are governed as subdivisions or land developments, subject to the procedures and standards specified by this Ordinance.

ARTICLE IX

ADMINISTRATION

SECTION 901 **General.** This section outlines the procedures for enforcement and amendment of this Ordinance, as well as procedures for challenges and appeals of decisions rendered under this Ordinance.

SECTION 902 **Amendment.**

902.01 **Procedures for Amendment.** Amendments to this Ordinance shall become effective only after public notice is given and public hearing is held pursuant to public notice in the manner prescribed for enactment of a proposed Ordinance in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as subsequently amended.

902.02 **Review by Planning Commission Required.** In the case of an amendment other than that prepared by Eden Township, the Board of Supervisors shall submit each amendment to the Township Planning Commission for recommendations at least thirty (30) days prior to the date of the public hearing on such proposed amendment. A copy shall also be submitted to Lancaster County Planning Commission for recommendation.

SECTION 903 **Acceptance of Conditions of Plan Approval.** When a plan, whether preliminary or final has been approved subject to conditions, and when the applicant rejects the conditions, the applicant shall so notify Eden Township in writing within thirty (30) days of the date of the action. Such notification of rejection of the conditions of approval shall serve to automatically rescind the approval of the plan.

Failure by the applicant to notify Eden Township of acceptance or rejection of the conditions of approval within the time so specified shall serve to automatically rescind approval of the plan.

SECTION 904 **Waivers.**

904.01 **Review by Eden Township.** 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 a majority of the members of the Eden Township governing body present at a public meeting, to be unreasonable and to cause undue hardship because of peculiar conditions pertaining to the particular property and if the

applicant shows that an alternative proposal will allow for equal or better results, Eden Township may grant a waiver 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 waiver shall not have the effect of making null and void the intent and/or purpose of this Ordinance.

904.02 Authority to Impose Conditions. In granting waivers, Eden Township may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

904.03 Procedures for Processing Waivers. All requests for waivers shall be processed in accordance with the requirements of this Ordinance.

SECTION 905 Challenges and Appeals

905.01 Right to Appeals. Any person aggrieved by a finding, decision, or recommendation of Eden Township with respect to the approval or disapproval of a plan or waiver request may appeal as provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, and as subsequently amended.

905.02 Mediation. As an alternative to an adjudicatory appeal proceeding, a party entitled to appeal a decision of Eden Township may request the utilization of mediation as an aid in resolving the dispute. Participation in mediation shall be wholly voluntary by the parties, and shall be conducted as prescribed in Article IX of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as subsequently amended.

SECTION 906 Penalties for Violations. Any person, partnership, or corporation who or which being the owner or agent of any lot, tract, or parcel of land shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements 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 other use of a plat of such subdivision or land development or erect any building thereon, unless and until such is in full compliance with the provisions of this Ordinance as provided herein, shall, upon being found in violation of the requirements of this Ordinance by a district justice in a civil enforcement proceeding, pay a judgment not exceeding five hundred (\$500) dollars, plus all court costs, including reasonable attorney fees incurred by Eden Township.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferer from such penalties or from the remedies therein provided.

906.01 Authority to Initiate Court Actions. In addition to the penalties imposed in the event of violations, Eden Township may also institute and maintain appropriate legal proceedings in law or in equity before any Court of competent jurisdiction to restrain, correct or abate violations including but not limited to, requiring compliance with all applicable provisions of the Ordinance, including the requirement of submitting the plans in compliance with the provisions of this Ordinance to prevent unlawful construction, to recover damages, including all fees and costs of Eden Township, including reasonable attorney's fees, and to prevent illegal occupancy of a building, structure or premises.

906.02 Recordation Prohibited Prior to Commission Approval. No deeds shall be executed or recorded for lots, nor shall the construction of any structure be initiated, before Eden Township has approved the Final Plan and such Plan is filed with the Lancaster County Recorder of Deeds.

906.03 Notice of Violation. Upon discovery of an alleged violation, Eden Township may, pursuant to Section 515.1 of the Pennsylvania Municipalities Planning Code, as subsequently amended, refuse to issue any permit or grant any approval necessary to further improve or develop any real property held in violation of the requirements of this Ordinance.

906.04 Abatement of Violations. No approval shall be granted to any subsequent phases of a development until all outstanding violations are abated and the project is in full compliance with the standards and conditions of this Ordinance.

SECTION 907 Records. Eden Township shall keep an accurate, public record of its findings, decisions, and recommendations relevant to all applications filed with it for review or approval.

SECTION 908 Validity. Should any section, subsection or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

SECTION 909

Conflicts. Whenever there is a difference between the minimum applicable standard specified herein and those included in other applicable municipal regulations, the more stringent requirement shall apply.

The Lancaster County Subdivision and Land Development Ordinance as amended, is hereby repealed in total; provided, however, that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceeding at law or in equity, including criminal proceedings, pertaining to any act done which would have constituted a violation of the Lancaster County Subdivision and Land Development Ordinance, or its applicable predecessor ordinances and regulations or Ordinances, and all provisions of said repealed ordinances shall remain in full effect and force, and not repealed hereby, as they pertain to said acts.

ARTICLE X

Section 1001. Adoption

This Ordinance shall be effective on March 28, 2016 and shall remain in force until modified, amended or rescinded by the Board of Supervisors of Eden Township, Lancaster County, Pennsylvania.

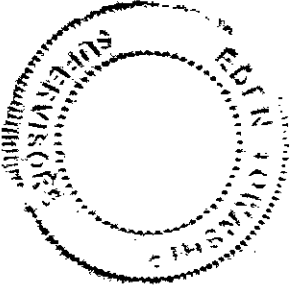
ENACTED AND ADOPTED by the Board of Supervisors this 28th day of March, 2016.

ATTEST:

BOARD OF SUPERVISORS OF EDEN
TOWNSHIP

Rhina Troutman
Eden Township Secretary

By: *David H. Ringer*
Board of Supervisors Chairman



APPENDIX 1

ITE TRIP GENERATION RATES BY MAJOR LAND USE CATEGORIES

LAND USE TYPE	AVERAGE WEEKDAY TRIP GENERATION RATES	
Residential*	Trips Per Indicated Measure: Dwelling Unit	
Single-family detached		10.0
Condominium/townhouse		6.6
Low-rise apartment		4.0
High-rise apartment		5.2
Mobile Home		4.8
Retirement Community		3.3
Recreation home (owner)		3.2
Office Building	Trips Per Indicated Measure: Employee 1,000 Gross Sq. Ft. of building area	
General office, under 100,000 gross sq. ft.	3.7	17.7
General office, 100,000-199,999 gross sq. ft.	3.8	14.3
General office, over 200,000 gross sq. ft.	2.9	10.9
Medical office building	NA	54.6
Office park	3.3	20.7
Research center	2.4	5.3

LAND USE TYPE

AVERAGE WEEKDAY TRIP
GENERATION RATES

**Trips Per Indicated Measure:
Employee 1,000 Gross Sq. Ft. of
building area**

Industrial

Light industrial	3.2	5.5
Heavy industrial	2.1	1.5
Industrial park	3.6	7.0
Manufacturing	2.1	3.9
Warehousing	3.9	4.9
Mini warehousing	NA	2.8

Lodging

**Trips Per Indicated Measure:
Employee Room**

Hotel	11.3	10.5
Motel	12.8	10.1

Retail

**Trips Per Indicated Measure:
Employee
1000 Gross Sq. Ft.
of leasable area**

Specialty retail	NA	40.1
Discount store	NA	70.1
Shopping center	NA	
Under 50,000 sq. ft. leasable area	NA	117.9
50,000-99,999 sq. ft. leasable area	NA	82.0
100,000-199,999 sq. ft. leasable area	NA	66.7
200,000-299,999 sq. ft. leasable area	NA	50.6
300,000-399,999 sq. ft. leasable area	NA	41.9
400,000-499,999 sq. ft. leasable area	NA	39.7
500,000-999,999 sq. ft. leasable area	NA	37.2

1,000,000-1,249,999 sq. ft. leasable area	NA	37.1
Over 1,250,000 sq. ft. leasable area	NA	34.1

Institutional	Trips Per Indicated Measure:	
	Employee	Student
Elementary school	13.1	1.0
High school	16.3	1.4
Junior/community college	NA	1.6
University**	NA	2.4
Library**	51.0	41.8 (per 1,000 gross sq.ft.)

Notes:

* For definitions, see below

** More detailed data needed to develop satisfactory trip generation rates.

NA Information not available from ITE

ITE DEFINITIONS OF LAND USES

Single-Family Detached = A single-family detached home on an individual lot.

Low-Rise Apartment = Apartments in buildings that are only one or two levels (floor).

High-Rise Apartment = Apartments in buildings three or more levels high.

Condominium/Townhouse = Single-family ownership units that have at least one other single-family owned unit within the same building structure. Both condominiums and townhouses are included in this category.

Mobile Home = Trailers shipped, sited, and installed on a permanent foundation.

Retirement Community = Residential units similar to apartments or condominiums usually located in self-contained villages.

Recreational Homes = Homes usually contained in a resort together with local services and complete recreation facilities.

ITE TRIP GENERATION RATES BY MAJOR LAND USE CATEGORIES

General Office Building	Houses one or more tenants and is the location where the affairs of a business, commercial, or industrial organization, professional person, or firm are conducted.
Medical Office Building	A facility that provides diagnoses and outpatient care on a routine basis but which is unable to provide prolonged in-house medical/surgical care.
Office Park	Subdivisions or planned unit developments containing general office buildings and support services such as banks, savings and loan institutions, restaurants, and service stations arranged in a park or campus-like atmosphere.
Research Center	Facilities or groups of facilities devoted nearly exclusively to research and development activities.
Light Industrial	Usually employ less than 500 persons with an emphasis on other than manufacturing.
Heavy Industrial	Encompasses the manufacturing of large items.
Industrial Park	Areas containing a number of industrial or related facilities. They are characterized by a mix of manufacturing, service, and warehouse facilities with a wide variation in the proportion of each type of use from on location to another.
Manufacturing	Places where the primary activity is the conversion of raw materials or parts into finished products.
Warehousing	Facilities that are all or largely devoted to storage of materials.
Mini-Warehouse	A building in which a storage unit or vault is rented for the storage of goods.
Hotel	A place of lodging providing sleeping accommodations, restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, and other retail and service shops.
Motel	A place of lodging offering only sleeping accommodations and possibly a restaurant.
Specialty Retail Center	Small shopping centers which contain shops specializing in quality apparel or hard goods.

Discount Stores	Freestanding stores with off-street parking.
Elementary School	School serving students between kindergarten and high school levels.

APPENDIX 2

RESIDENTIAL STREET HIERARCHY: DEFINITION

GUIDELINE STREET TYPE	FUNCTION	MAXIMUM ADT
1) Principal Arterial	An interregional road in the street hierarchy system: carries vehicle traffic to and from the region as well as any through traffic. This street may be a controlled access street.	3000+
2) Minor Arterial	The Minor arterial street system should interconnect with the principal arterial system. It provides connections between boroughs, larger villages, major resort areas and other traffic generators which develop substantial volumes of traffic.	3000+
3) Collector	This classification includes streets that provide connections with local access roads and arterial. They may serve a traffic corridor connecting villages, small boroughs, shopping points, mining and agricultural areas on an intra-county or municipal basis.	3000
4) Local Access	This classification provides direct access to adjacent land and includes connections to farms, individual residences and commercial properties, and to higher classes of highway systems.	800
5) Special Purpose Streets	All special purpose streets (lanes, alleys, cul-de-sacs, marginal access, divided streets, and stub streets) shall conform to either local access or collector streets as dictated by ADT and intensity.	
a) Rural Residential Lane*	A Street serving a very low-density area [minimum 2-acre zoning]. The maximum ADT level limits the number of single-family homes on this road to 20. Lanes shall be designed as a two lane street.	200
b) Alley (Service Street)	A service road that provides secondary means of through access to lots. Alleys function as special purpose streets, and are used in cases of narrow lot frontages. No parking shall be permitted within the right-of-way, and alleys should be designed to discourage through traffic. ADT level shall not exceed that of a local access street. Alleys shall be designed as one or two lane streets.	
c) Cul-de-sac*	A street with a single means of ingress and egress and having a turnaround. Design of turnaround may vary. Cul-de-sacs shall be classified and designed according to anticipated ADT level: Residential street will use the design standards of a local access street; non-residential will the design standards for Commercial/Industrial streets.	250 (Residential) 500 (Non Residential)

d) Marginal Access street	A service street that runs parallel to a higher-order street and provides access to abutting properties and separation from through traffic. Shall be designed as local access street or collector according to anticipated daily traffic.	500 (Local Access Total) 1,000 (Collector Total)
e) Divided Street	Municipalities may require streets to be divided in order to provide alternate emergency access, to protect environmental features, or to avoid grade changes. Design standards should be applied to the combined dimensions of the two-street segments as required by the street class.	800 (Local Access Total) 3,000 (Collector Total)
f) Stub Street	A portion of a street which has been approved in its entirety. Permitted as part of phased development; may be required if part of overall adopted master plan of the municipality.	800 (Local Access Total) 3,000 (Collector Total)
g) Driveway*	A private drive providing access between a public or private street or access drive and a parking area for a single unit of occupancy.	10 (Residential Access)
h) Access Drive*	A private drive providing access between a public or private street to 2 or more dwelling units, up to a maximum of 10 dwelling units. An access drive may not be connected to an alley, cul-de-sac or parking loop.	100 (Residential Access)

*Can be privately owned

APPENDIX 3
CARTWAY/RIGHT-OF-WAY WIDTH

Street Type/ Intensity	Projected ADT	Cartway			Parking / Shoulder			Total Width (ft)	Right-of- Way Width
		# lanes	x width	=(ft)	# lanes	x width	=(ft)		
COMMERCIAL/ INDUSTRIAL									
<u>Local Access/Collector</u>									
Low	0-799	1	16	16	0 / 2	0 / 6	12	28	40
Medium - High		1	16	16	1 / 1	10 / 6	16	32	40
Low		2	12	24	0 / 2	0 / 6	12	36	60
Medium - High		2	12	24	2 / 0	10 / 0	20	44	60
Medium - High	800-3000	2	12	24	2 / 0	10 / 0	20	44	60
High		2	12	24	0 / 2	0 / 8	16	40	60
Medium - High		3	12	36	0 / 2	0 / 8	16	52	70
RESIDENTIAL STREETS									
<u>Local Access</u>									
Low ¹	0-249	1	10	10	0 / 0	0 / 0	10	0	16
Low		1	16	16	0 / 2	0 / 2	4	20	34
Low		2	8	16	0 / 2	0 / 2	4	20	34
Low	250-399	1	16	16	0 / 2	0 / 2	4	20	40
Medium		1	16	16	1 / 1	8 / 2	10	26	40
Low		2	10	20	0 / 2	0 / 2	4	24	40
Medium		2	10	20	1 / 1	8 / 2	10	30	50

High	400-800	2	10	20	0 / 2	0 / 4	8	28	50
High		2	10	20	1 / 1	8 / 4	12	32	50
<u>Collector</u>									
Low - Medium	0-399	1	16	16	0 / 2	0 / 2	4	20	40
Low - Medium		2	11	22	0 / 2	0 / 2	4	26	40
Low - High	400-799	1	16	16	1 / 1	8 / 2	10	26	40
Low		2	11	22	0 / 2	0 / 4	8	30	50
Medium		2	11	22	1 / 1	8 / 4	12	34	50
High		2	11	22	2 / 0	8 / 0	16	38	50
High		3	11	33	0 / 2	0 / 4	8	41	60
Medium - High	800-1499	1	16	16	1 / 1	8 / 4	12	28	40
Medium		2	11	22	1 / 1	8 / 6	14	36	60
High		2	11	22	0 / 2	0 / 6	12	34	60
High		2	11	22	2 / 0	8 / 0	16	38	60
High		3	11	33	0 / 2	0 / 6	12	45	60
Medium	1500-3000	2	12	24	1 / 1	9 / 6	15	39	60
High		2	12	24	0 / 2	0 / 6	12	36	60
High		2	12	24	2 / 0	9 / 0	18	42	60
High		3	12	36	0 / 2	0 / 6	12	52	70

SPECIAL PURPOSE STREETS

All special purpose streets (**lanes, alleys, cul-de-sacs, marginal access, divided streets, and stub streets**) shall conform to either local access or collector streets as dictated by ADT and intensity.

NOTE 1: Only for use with one-way alleys to provide public access by right-of-way. Ownership and maintenance shall be the responsibility of the abutting lot owners.

APPENDIX 4

CURB AND SIDEWALK REQUIREMENTS

The following standards shall be used in determining curb and sidewalk requirements. The graded area is an area graded the same as a sidewalk but left in grass. This area can be used later for sidewalks if the intensity of development increases.

Street Type	Curb	Sidewalk or Graded Area
INDUSTRIAL/COMMERCIAL		
Local Access		
Low Intensity	Not Required	Sidewalk (1 side) / Graded Area (1 side)
Medium-High Intensity	Curb	Sidewalk (1 each side)
Collector		
Low Intensity	Not Required	Sidewalk (1 side) / Graded Area (1 side)
Medium-High Intensity		
On-street Parking	Curb	Sidewalk (1 each side)
Off-street Parking	Not Required	Sidewalk (1 each side)
RESIDENTIAL		
Local Access		
Low Intensity	Not Required	Graded Area (1 each side)
Medium Intensity	Curb	Sidewalk (1 side) / Graded Area (1 side)
High Intensity		
On-street Parking	Curb	Sidewalk (1 each side)
Off-street Parking	Not Required	Sidewalk (1 each side)
Collector		
Low Intensity	Not Required ¹	Graded Area (1 each side)
Medium Intensity		
On-street Parking	Curb	Sidewalk (1 side) / Graded Area (1 side)
Off-street Parking	Not required	Sidewalk (1 side) / Graded Area (1 side)
High Intensity		
On-street Parking	Curb	Sidewalk (1 each side)
Off-street Parking	Not Required	Sidewalk (1 each side)

SPECIAL PURPOSE STREETS

All special purpose streets (**lanes, alleys, cul-de-sacs, marginal access, divided streets, and stub streets**) shall conform to either local access or collector streets as dictated by ADT and Intensity of Development.

Notes:

1. Curbing is not required except on single lane roads with on street parking.

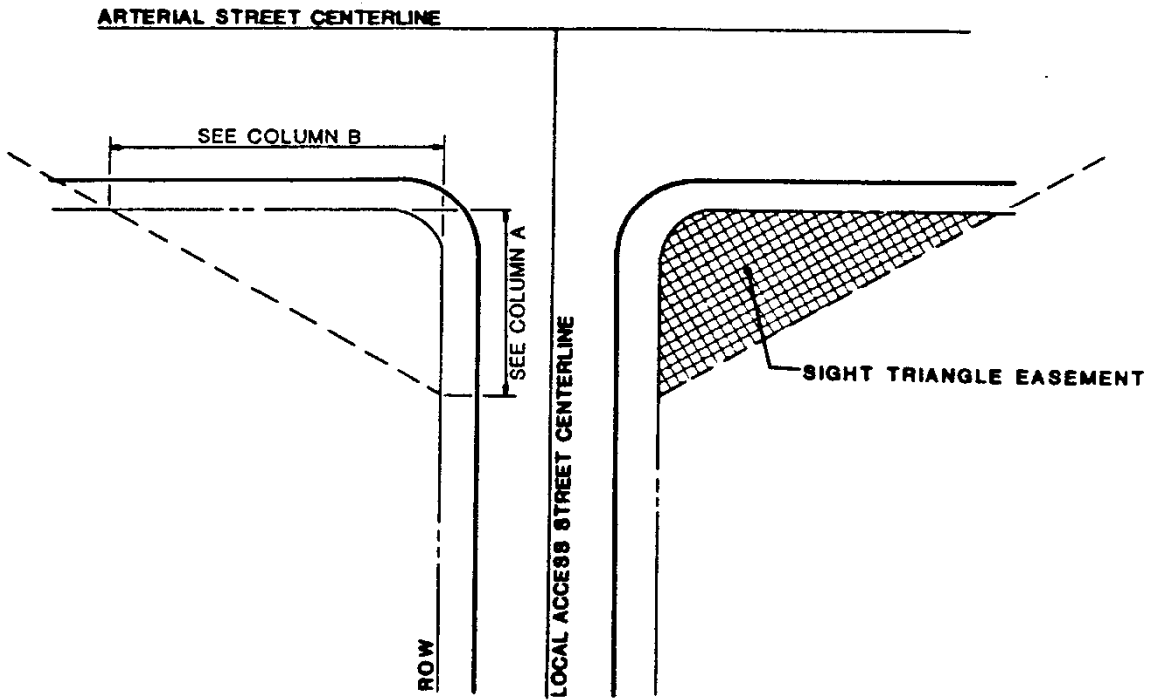
APPENDIX 5
STREET GRADE AND INTERSECTION STANDARDS

STREET HIERARCHY

	Special Purpose			
	Alley Lane	Cul-de-sac Access Drive	Local Access Street	Collector
INTERSECTION STANDARDS				
Minimum Grade	0.5%	0.5%	0.5%	0.5%
Maximum Grade	15%	12%	12%	8%
Maximum Grade Within 75' of Intersection of Centerlines	4%	4%	5%	5%
Minimum Centerline Radius	50'	50'	100'	300'
Minimum Tangent Length Between Reverse Curves	0'	50'	50'	150'
Cartway Radii	10'	15'	20'	35'

**APPENDIX 6
SIGHT TRIANGLES**

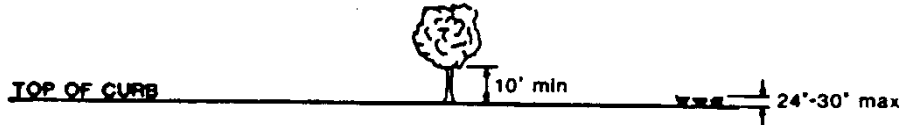
TYPICAL INTERSECTION SIGHT TRIANGLE



TYPICAL DISTANCE REQUIREMENTS ALONG ROW LINE

COLUMN A		COLUMN B
LOCAL ACCESS	30'	30', 100', 120', 130-150'
RESIDENTIAL COLLECTOR	120'	120', 130-150'
ARTERIAL	130-150'	130-150'

PLANTINGS WITHIN EASEMENTS



APPENDIX 9
VEHICULAR PARKING FACILITIES

Parking Areas. Off-street vehicular parking facilities shall be provided in accordance with the following standards:

- (a) Each residential dwelling unit shall be provided with at least two (2) parking spaces.
- (b) Non-residential land uses shall be provided with parking according to the Zoning Ordinance Requirements.

APPENDIX 10

Illumination of streets, parking areas, and pedestrian ways shall be provided as specified in the following table:

ILLUMINATION GUIDELINES FOR STREET, PARKING, AND PEDESTRIAN AREAS

A.

Street Illumination

Area Classification

Street Hierarchy	<u>Commercial</u>		<u>Intermediate</u>		<u>Residential</u>	
	Lux	Footcandles	Lux	Footcandles	Lux	Footcandles
Collector	13	1.2	10	0.9	6	0.6
Minor-Residential Subcollector	10	0.9	6	0.6	4	0.4
Local	6	0.6	4	0.4	4	0.4

B.

Parking Illumination (Open Parking Facilities)

Illumination Objective

Level of Activity	<u>Vehicular Traffic</u>		<u>Pedestrian Safety</u>		<u>Pedestrian Security</u>	
	Lux	Footcandles	Lux	Footcandles	Lux	Footcandles
Low activity	5	0.5	2	0.2	9	0.8
Medium activity	11	1	6	0.6	22	2
High activity	22	2	10	0.9	43	4

C.
Pedestrian Way Illumination

Walkways & Bikeway Classification	Minimum Average Level		Average Levels for Special Pedestrian Security			
	Lux	Footcandles	Mounting Heights 3 to 5 meters (9 to 15 feet)		Mounting Heights 5 to 10 meters (15 to 30 feet)	
			Lux	Footcandles	Lux	Footcandles

Sidewalks (Roadside) and Type A Bikeways:

Commercial Areas	10	0.9		22	2.0	43	4.0
Intermediate	6	0.6		11	1.0	22	2.0
Residential Areas	2	0.2		4	0.4	9	0.8

Walkways Distant From Roadways and Type B Bikeways:

Park Walkways and Bikeways

	5	0.5		6	0.6	11	1.0
Pedestrian Tunnels	43	4.0		54	5.0	--	--
Pedestrian Overpasses	3	0.3		4	0.4	--	--
Pedestrian Stairways	6	0.6		9	0.8	--	--

ILLUMINATION GUIDELINES FOR STREET, PARKING, AND PEDESTRIAN AREAS

IES Lighting Handbook definitions:

I. Area classification:

1. Commercial

That portion of a municipality in a business development where ordinarily there are large numbers of pedestrians during business hours.

2. Intermediate

That portion of a municipality often characterized by a moderately heavy nighttime pedestrian activity such as in blocks having libraries, community recreation centers, large apartment buildings or neighborhood retail stores.

3. Residential

A residential development, or a mixture of residential and commercial establishments, characterized by a few pedestrians at night. This definition includes areas with single family homes, townhouses and/or small apartment buildings.

II. Activity level:

1. High activity

Major league athletic events, major cultural or civic events, and major regional shopping centers.

2. Medium activity

Fast food facilities, area shopping centers, hospital parking areas, transportation parking (airports, etc.), cultural, civic or recreational events, and residential complex parking.

3. Low activity

Local merchant parking, industrial employee parking, educational facility parking.

III. Bikeway classification

1. Type A bikeway - a strip within or adjacent to a public roadway or shoulder, used for bicycle travel.

2. Type B bikeway - an improved strip identified for public bicycle travel and located away from a roadway or its adjacent sidewalk system.

Source: Illuminating Engineering Society of North America, IES Lighting Handbook (New York, NY: IES, 1981)

APPENDIX 11

CURB IMPROVEMENTS

Introduction.

All curbs must conform to the following specifications.

Construction Method.

All curbs shall be provided in accordance with Section 602.05 of this Ordinance.

All curbs shall be of marble, granite, or concrete construction. All Concrete used in Construction of curbs shall be certified to develop a compressive stress of at least three thousand (3,000) P.S.I. at twenty-eight (28) days. Certification of the mix shall be furnished, if requested by the authority accepting dedication.

Concrete shall be placed in forms that are straight and securely braced, unless a curbing machine is used. Care shall be taken to control the water content to prevent separation of the aggregates. All concrete shall be thoroughly tamped into any forms, if used. After the concrete has set sufficiently, any forms if used, shall be removed and the exposed surface shall be rubbed to provide an even finish.

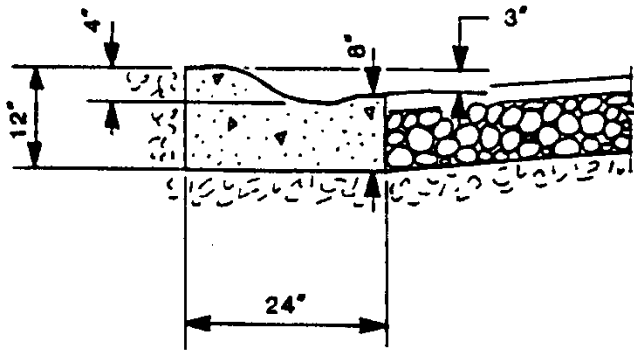
Vertical curbs shall be twenty-four (24) inches deep, seven (7) inches wide at the top, and nine (9) inches wide at the base. The distance from the top of the curb to flow line of the gutter shall be eight (8) inches.

Rolled curb and gutter shall be twelve (12) inches deep at the back, eight (8) inches at the front, and twenty-four (24) inches wide at the top and base. The distance from the top of the curb to flow line of the gutter shall be four (4) inches. A four (4) inch crushed stone or cinder base shall be installed under rolled curb and gutter.

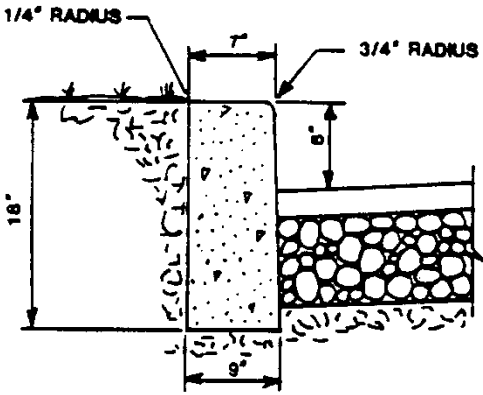
Curbs shall be built in ten (10) foot lengths; construction joints of asphalt impregnated paper of one-sixteenth (1/16) inch shall be provided at ten (10) foot intervals, and expansion joints of one-quarter (1/4) inch premoulded filler shall be placed at intervals of one hundred (100) feet.

To provide for driveways, depressions in vertical curb may be constructed and finished during the time of pouring.

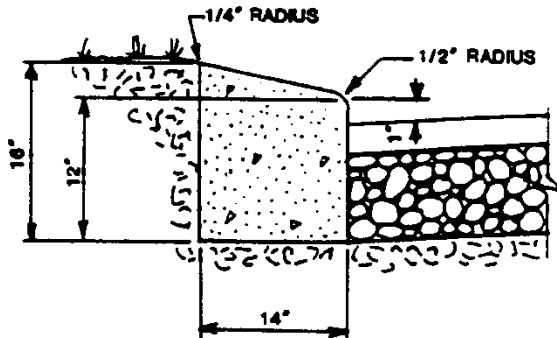
APPENDIX 11 (Continued)



ROLLED CURB
NTS

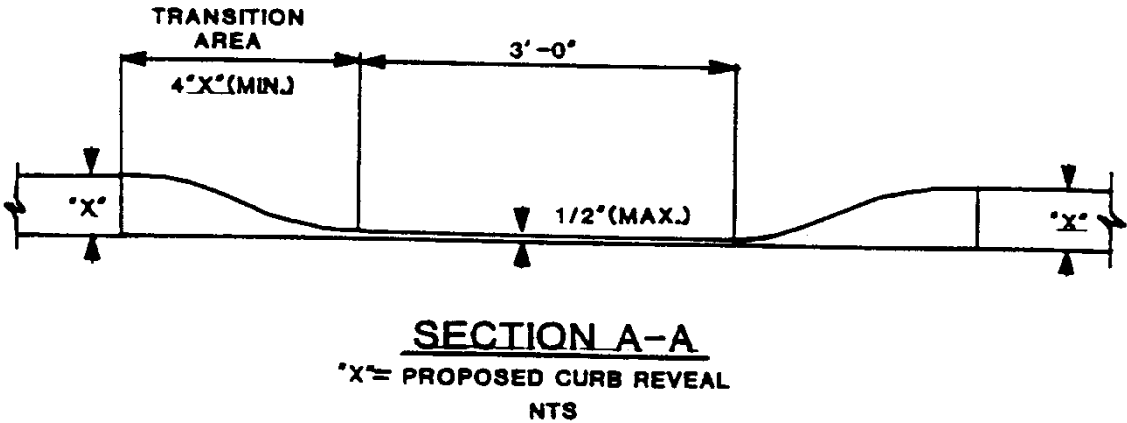
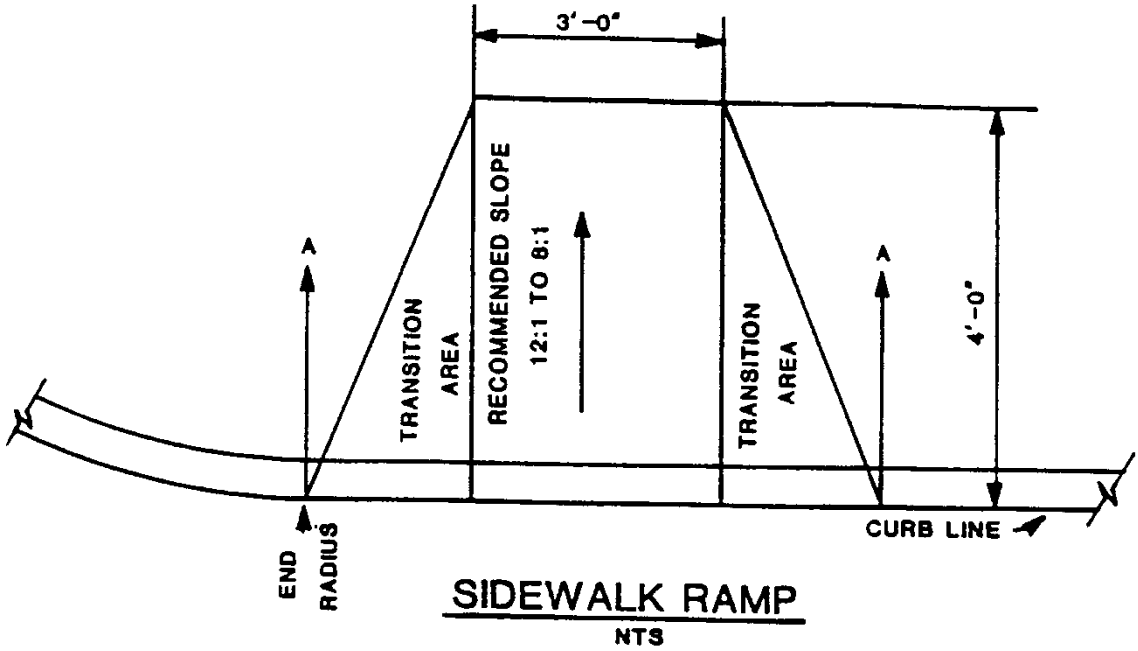


VERTICAL CURB
NTS



SLANT CURB
NTS

APPENDIX 11 (Continued)



APPENDIX 12

SIDEWALK IMPROVEMENTS

Introduction.

All sidewalks must conform to the following specifications.

Construction Method.

All sidewalks shall have a width of four (4) feet. Sidewalks shall be constructed so as to discharge drainage. Sidewalks shall be constructed of concrete. Concrete used in sidewalk work shall be certified to develop a compressive stress of at least three thousand (3,000) P.S.I. at twenty-eight (28) days. Certification of the mix shall be furnished, if requested by the authority accepting dedication. Concrete shall be placed in forms that are straight and securely braced. Care shall be taken to control the water content to prevent separation of the aggregates. The concrete shall have a broom finish and the edge shall be finished with an edging tool.

All concrete sidewalks shall be constructed on a four (4) inch crushed stone or gravel base to insure proper drainage. The concrete shall be placed so that there is a separate joint every five (5) feet. There shall be one-half (1/2) inch premoulded expansion joints between every fifth section and between all points where the concrete sidewalk abuts a concrete curb.

All concrete sidewalks shall have a minimum thickness of four (4) inches, except where driveways cross sidewalks and for driveway apron areas. These areas shall have a minimum thickness of six (6) inches and shall contain one layer of No. 6 wire forming six (6) inch squares. The wire shall be installed so that it is not closer than one (1) inch from the top or bottom surface of the driveway.

APPENDIX 13

NON-MOTORIZED VEHICLE LANES

Non-motorized vehicle lanes shall be constructed to one of the following specifications:

1. Bicycle Paths - A two-way off-street bike path should have a minimum paved width of eight (8) ft and a maximum width of twelve (12) ft.
 - a. Choice of surface materials, including bituminous mixes, concrete, gravel, soil cement, stabilized earth, and wood planking, shall depend on the intensity of the development and shall be determined by the developer and approved by Eden Township.
 - b. Gradients of bicycle paths should generally not exceed a grade of five percent (5%), except for short distances where the grade shall not exceed fifteen percent (15%).
 - c. The radius of curvature shall be based on the grade of the path entering the curve. The following table shall be used to determine the radius:

Percent Grade	Minimum Radius
0 - 5%	70 ft
5% - 15%	125 ft

- d. Design consideration shall consider the intersection of a bicycle path and a street to provide maximum safety.
2. Bicycle Lanes - Bicycle lanes shall be designed to one of the following standards:
 - a. A one-way bicycle lane on a curbed street shall have a minimum width of four (4) ft. measured from the face of the curb. The paving material and construction shall be the same as the adjacent street.
 - b. A one-way bicycle lane next to a parking lane shall be located between the parking lane and the travel lane and have a minimum width of five (5) ft. The paving material and construction shall be the same as the adjacent parking lane.
 - c. A one-way bicycle lane on a street without a curb or gutter shall be a minimum of four (4) ft. The shoulder can and should be used when possible. The shoulder shall be kept clear of any obstructions and clean to remove any excess gravel or other debris. The paving material and construction shall be the same as the shoulder. If the lane is being constructed on an existing road that has no shoulder

or if the shoulder is in poor condition the lane shall be constructed to the standards set forth in Section 602.05.

3. Carriage Lanes - Carriage lanes shall be constructed to the following standards:

- a. Carriage lanes shall be a minimum width of six (6) ft. and shall not exceed a width of eight (8) ft.
- b. Carriage lanes shall be constructed with a four (4) inches bituminous stabilized course or a three (3) inches base course and a one (1) inch binder course of materials specified in the latest edition of the Pennsylvania Department of Transportation Manual Form 408. An additional eight (8) inches gravel course is recommended if the subbase is in poor condition. The finished lane shall maintain a one-fourth (1/4) inch per foot slope draining toward the outside edge of the lane.
- c. All carriage lanes shall be subject to the approval of the roadmaster and/or a certified engineer before occupancy is permitted.

APPENDIX 14

CERTIFICATION OF ACCURACY

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

_____, 20____

* _____

**

* Signature of the registered engineer or registered surveyor responsible for the preparation of the plan.

** Seal of the engineer or surveyor.

APPENDIX 16

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

INDIVIDUAL

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER

On this, the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ who being duly sworn according to law, deposes and says that he/she is the * _____ of the property shown on this plan, that he acknowledges the same to be his/her act and plan, that he/she 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_____

- * Identity Ownership or Equitable Ownership
- ** Signature of the Individual
- *** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds.

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

COPARTNERSHIP

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER

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

** _____

*** _____

My Commission Expires _____, 20_____

- * Identify Ownership or Equitable Ownership
- ** Signature of the Individual
- *** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds.

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

CORPORATE

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER

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

** _____

*** _____

My Commission Expires _____, 20_____

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

APPENDIX 19

EDEN TOWNSHIP'S FINAL PLAN APPROVAL CERTIFICATE

At a meeting held on _____, 20____, the Eden Township Board of Supervisors approved this project, including the complete set of plans and information based upon its conformity with the standards of the Eden Township Subdivision and Land Development Ordinance.

* _____

* _____

* Signatures of the Chairman and Vice Chairman or their designees.

APPENDIX 21

LANCASTER COUNTY PLANNING COMMISSION'S REVIEW CERTIFICATE

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

* _____

* _____

* Signatures of the Chairman and Vice Chairman or their designees.

EDEN TOWNSHIP
LANCASTER COUNTY

APPENDIX 24
SUBDIVISION OR LAND DEVELOPMENT PLAN PROCESSING APPLICATION

For Municipal Use Only:

File No.: _____ **Date of Receipt:** _____

Meeting Date: _____ Preserved Clean & Green

Utilities: Phone _____ Electric _____ Gas _____ Cable _____ PennDOT

1. **Municipality(ies):** _____

2. **Application Classification:** **Subdivision Plan** **Land Development Plan**

Centerline Plan MOU (*attach checklist*)
 ECHO Housing Waiver Planning Module
 Final Plan Preliminary Plan
 Lot Add-on Plan Revised Final Plan

Attach Justification for the following:

_____-Day Time Extension
 Waiver/modification of Sections:

3. **Plan Name:** _____
Consultant Project No.: _____ **Plan Date:** _____

4. **Project Description:**

5. **Project Location (direction and distance):**

6. **Name of Property Owner(s):**

Address:

City/ State/ Zip/ Phone#:

Deed #:

Acct. # (not Pin):

Second Property Owner(s):

Address:

City/ State/ Zip/ Phone #/ Fax #:

Deed #:

Acct. # (not Pin):

(Attach a separate sheet for additional owners; please provide all information listed above for all additional owners)

7. **Name of Applicant** (*if other than owner*):

Address:

City/ State/ Zip/ Phone #/ Fax #:

8. **Consulting Firm:** File No. _____
 Project Manager:
 Address:
 City/ State/ Zip/ Phone #/ Fax #:

9. **Existing Zoning District(s):**
 Is/was a Zoning Variance, Special Exception, and/or Conditional Use Approval Necessary? Y / N
(If yes, attach municipal minutes of decision for the application)

10. **Existing Land Use:** *Check all that are applicable*
 Agricultural Institutional Multi-Family Attached
 Commercial Mixed Use Undeveloped/Vacant
 Industrial Single Family Detached Other *(please specify)*

11. **Subject Property Acreage:**
 Gross Acreage of All Tracts: Net Acreage of All Tracts:
(Total acreage of tract minus road, utilities, park land)

12. **Proposed Lots and Units:**

	# of LOTS	# of UNITS		# of LOTS	# of UNITS
Total #			Mixed Use		
Agricultural			Single Family Detached		
Commercial			Multi-Family Attached		
Industrial			Other		
Institutional			Other		
Total Square Feet of Ground Floor Area <i>(building footprint)</i> :					
Total Square Feet of Existing Structures: <i>(all floors)</i>					
Total Square Feet of Proposed Structures: <i>(all floors)</i>					
Total Square Feet (or Acres) of Proposed Parkland/Other Public Use:					

13. **Sewer and Water Services:**

	Public	Private Community	Private On-Lot
Existing Water/Provider	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Existing Sewer/Provider	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposed Water/Provider	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Proposed Sewer/Provider	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEP Module #			

The undersigned hereby represents that, to the best of his/her knowledge and belief, all information listed above is true, correct, and complete. (For those municipalities under Lancaster County subdivision regulation, the owner(s) of the property must sign below)

 Signature of Landowner or Applicant

 Signature of Landowner or Applicant

Date _____

Date _____

APPENDIX 26

NOTICE OF THE COMPLETION AND APPROVAL OF IMPROVEMENTS

Date: _____

Eden Township
489 Stoney Hill Road
Quarryville, PA 17566

SUBJECT: Approval of Improvements

Gentlemen:

The developer of the project known as _____ has completed the installation of the following improvements in accordance with the Improvement Construction Plan:

- | | |
|------------------------------|---------------------------------|
| _____ Street Grading | _____ Sanitary Sewer Facilities |
| _____ Street Base | _____ Water Supply Facilities |
| _____ Street Paving | _____ Fire Hydrants |
| _____ Street Signs | _____ Survey Monuments |
| _____ Curbs | _____ Buffer Planting |
| _____ Sidewalks | _____ Other (Specify) |
| _____ Storm Sewer Facilities | |

Signature

Print Full Name

Title

Municipality/Authority

Address

Phone No.

APPENDIX 27

NOTICE OF ACCEPTANCE OF AN IMPROVEMENT GUARANTEE

Date: _____

SUBJECT: Acceptance of an Improvement Guarantee

_____, developer of the project known as _____ has provided financial security in accordance with the provisions of Section 503 of the Eden Township Subdivision and Land Development Ordinance to cover the cost of the construction and completion of the following improvements as required by the ordinance and in conformance with the plan as approved by Eden Township:

- | | |
|----------------------|---|
| _____ street grading | _____ storm water management facilities |
| _____ street base | _____ sanitary sewer facilities |
| _____ street paving | _____ water supply facilities |
| _____ street signs | _____ fire hydrants |
| _____ street lights | _____ survey monuments |
| _____ street trees | _____ landscaping |
| _____ curbs | _____ lighting |
| _____ sidewalks | _____ other(specify) |

The Improvement Construction Guarantee has been provided in the form of a _____ in the amount of _____ which has been certified by a professional engineer to be equal to one hundred and ten percent (110%) of the cost of completion of the required improvements as of ninety (90) days following the date scheduled for completion by the developer.

The Improvement Construction Guarantee was accepted by resolution of _____ at a meeting on _____, 20__.

In accepting this financial guarantee, the municipality assumes responsibility to inspect both the plans and the construction of improvements to insure their correctness, and to release such funds only upon certification of the inspecting engineer that such improvements have been installed and completed in accordance with the approved plan.

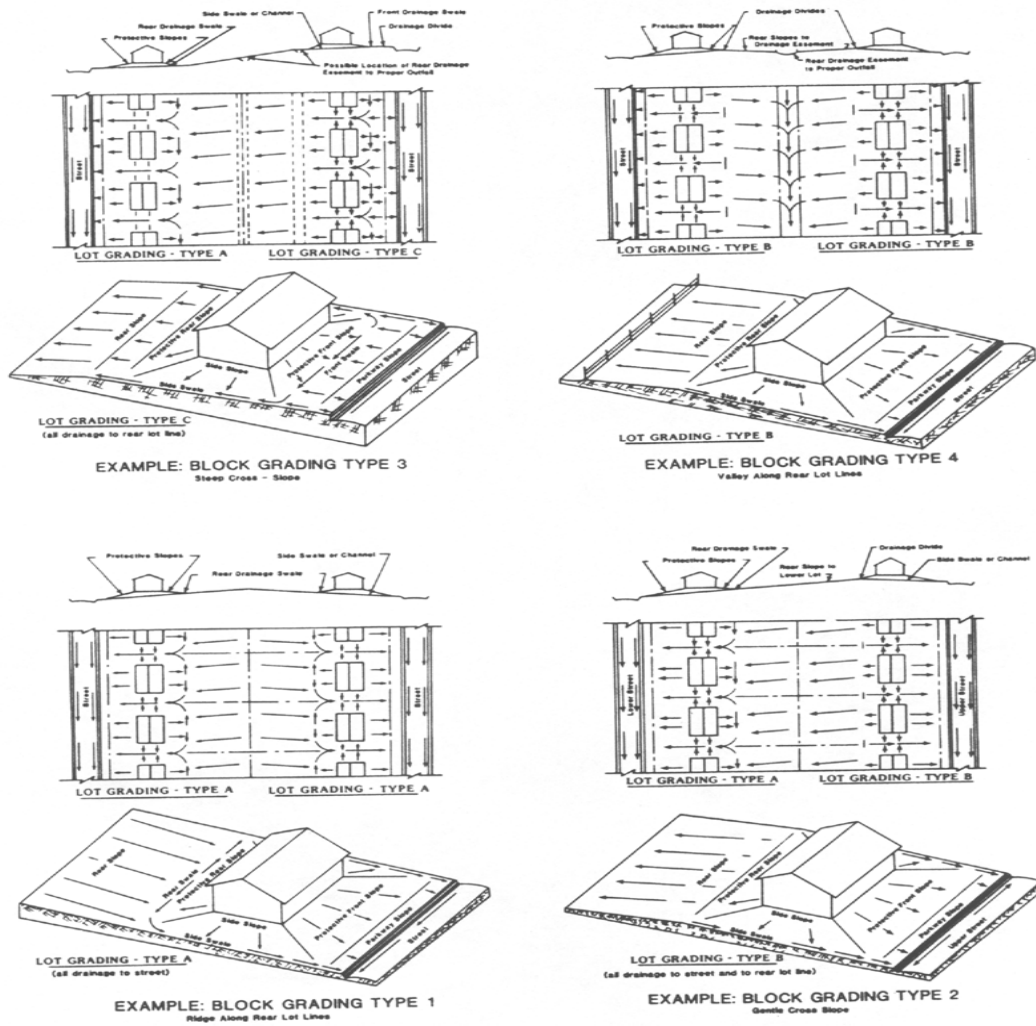
Signature

Print Full Name

Title

APPENDIX 28

LOT GRADING PLAN EXAMPLES



Source: Iowa Department of Soil Conservation, Soil and Water Conservation in Urban Areas.

APPENDIX 33

VERIFICATION

(If no Improvement Construction Plan has been approved)

I/We, _____, do hereby verify that I/We have reviewed the Final Plan. I/We further verify that the Final Plan correctly and accurately depicts the condition of the land and there has been no site grading or construction of improvements on the property and that such statements are true and correct to the best of my/our knowledge, information and belief. These statements are being given by me/us to induce official action on the part of Eden Township, its agents, officers and employees. I/We 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 and that any false statement made herein shall be deemed to be a violation of the Eden Township Subdivision and Land Development Ordinance and subject to the penalties provided therein.

Date: _____

Landowner

Date: _____

Developer

VERIFICATION

(If an Improvement Construction Plan has been approved)

I/We _____, do hereby verify that I/We have reviewed the Final Plan. I/We further verify that the Final Plan correctly and accurately depicts the condition of the land and all site grading and construction of improvements on the property have been undertaken in accordance with an Improvement Construction Plan approved by Eden Township on _____ and that such statements are true and correct to the best of my/our knowledge, information and belief. These statements are being given by me/us to induce official action on the part of Eden Township, its agents, officers, and employees. I/We 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 and that any false statement made herein shall be deemed to be a violation of the Eden Township Subdivision and Land Development Ordinance and subject to the penalties provided therein.

Date: _____

Landowner

Date: _____

Developer

APPENDIX 34

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into by and between the following parties:

[name of municipality], hereinafter called "Municipality"

and

hereinafter called "Developer"

RECITALS

WHEREAS, Developer has submitted to the Municipality, a plan and application for a Subdivision or Land Development Plan located at _____ (property address) known and designated as _____; and,

WHEREAS, the Municipality has required and Developer has agreed that as a condition precedent to final approval of the Developer's Subdivision or Land Development Plan, all improvements shall be completed by the Developer and approved, or, in lieu of the completion of the improvements required, the Developer shall provide a bond or other security as required by Section 509 and 510 of the Pennsylvania Municipalities Planning Code, (MPC), Act 247 of 1968, as amended (see attachment); and,

WHEREAS, the Municipality and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to pay the costs involved in inspecting and approving Developer's Subdivision or Land Development Plan.

NOW, THEREFORE, intending to be legally bound hereby, the Municipality and Developer agree as follows:

1. The Developer, at his/her own cost and expense, shall proceed to perform and complete all improvements required by the developer's Subdivision or Land Development Plan, subject to the review and approval of the plans and specifications by the Municipality.
2. In lieu of the completion of the improvements required as a condition for the final approval of the Developer's Subdivision or Land Development Plan, the Developer SHALL PROVIDE for deposit with the Municipality, financial security (consistent with Section 509 of the MPC) in an amount sufficient to cover the costs of any improvements including, but not limited to, roads, storm water facilities, utilities and other related facilities. Such bond, or other security SHALL PROVIDE for, and secure to the public, the completion of the improvements within one (1) year of the date fixed in the subdivision or development plat for the completion of such improvements. THE AMOUNT of financial security shall be equal to one hundred ten percent (110%) of the cost of the required improvements for which financial security is to be posted. THE COST of the improvements shall be established by submission to the Municipality of an estimate prepared by the Developer's Engineer, subject to review, comment, and approval by the Municipality or its designees.

3. The Municipality or its designee and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all improvements.
4. Upon completion of the improvements, the Developer shall give notice to the Municipality and its designee, in writing to inspect the improvements. The Municipality or its designee shall inspect the improvements within ten (10) days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan and acceptable engineering practices. If the Municipality or its designee disapproves, they shall notify the Developer promptly. If the Municipality or its designee does not approve or disapproves the improvements within thirty (30) days after written notification of completion by the Developer, then in such event, the improvements shall be deemed approved.
5. Developer agrees to reimburse the Municipality or its designee for Engineering services necessitated by the review and inspection of all required improvements and all associated expenses, at the following rates: \$____ per hour; associated itemized expenses, where applicable. It is agreed that the Engineering services shall be payable by the Developer within ten (10) days after date of invoice and prior to final approval of Developer's Subdivision or Land Development Plan or release of financial security.
6. Where applicable, Developer agrees to reimburse the Municipality Solicitor services necessitated by the review and approval of the Developer's plan and necessitated by the review of all required bonds or security, etc. It is agreed the Solicitor's services shall be payable within ten (10) days after date of invoice and prior to final approval of Developer's Subdivision or Land Development Plan or release of financial security.

IN WITNESS, WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, DATED this ____ day of _____, A. D., 20__.

EDEN TOWNSHIP

By: _____

DEVELOPER:

(Notary Seal)

APPENDIX 35

Notice of Approval of New Street Names

Date: _____

Eden Township
489 Stoney Hill Road
Quarryville, PA 17566

Date: _____

Plan Name: _____ (To Be Completed By Applicant)

Lancaster County Wide Communications has reviewed and approved the following new street names: (Applicant to provide on this form a list of all proposed new street names prior to submitting this form for approval. This form must bear the authorized signature from Lancaster County Wide Communications).

Authorized Signature, Lancaster County Wide Communications