# SHREWSBURY TOWNSHIP

# SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

FINAL DRAFT

SHREWSBURY TOWNSHIP

YORK COUNTY, PENNSYLVANIA

May 2010

PAGE INTENTIONALLY BLANK

# TABLE OF CONTENTS

**ARTICLE 100 – Authority, Short Title, Purpose, County Review and Effect**
Section 101 – Authority……..... 1
Section 102 – Short Title……1
Section 103 – Purpose……..... 1
Section 104 – Authority and Jurisdiction……..... 3
Section 105 – Violation……..... 3

**ARTICLE 200 – Interpretation and Definitions**
Section 201 – General Interpretation……..…….. 5
Section 202 – Definitions……..... 5

**ARTICLE 300 – Administration and Procedures**
Section 301-- Pre-Application Consultation……..27
Section 302 – Sketch Plan (Optional Submission)..……. …….. 27
Section 303 – Preparation of Plans……..... 27
Section 304 – Minor Subdivision Plans……28
Section 305 – Submittal of Plans……..... 28
Section 306 – Acceptance of Plans……..... …… 29
Section 307 – Referral of Plans…… 29
Section 308 – Review of Plans……..... 30
Section 309 – Waiver (Modification of Requirements)……..... 31
Section 310 – Approval of Plans by the Board of Supervisors……..32
Section 311 – Changes in Ordinance or Plan and Affect on Plan approval…….. 33
Section 312 – Expiration of Plan Approval…… 35
Section 313 – Effect of Preliminary Plan Approval……..... 35
Section 314 – Effect of Final Plan Approval……36
Section 315 – Recording of Final Plan……..... 36
Section 316 – Fees…… 36
Section 317 – Duties of Subdivider or Developer……37
Section 318 – Improvements…… 37
Section 319 – Effect of Recording……..... 37
Section 320 – Effect of Offers of Dedication……..... 37
Section 321 – Effect of Land Reservation……37
Section 322 – Dedication of Local Recreation and Other Public Sites…… 38
Section 323 – Completion of Improvements or Guarantee Thereof
Prerequisite to Final Plan Approval…….. 39
Section 324 – Release from Improvement Bond……43
Section 325 – Remedies to Effect Completion of Improvements..... 44

**ARTICLE 400 – Plan Requirements**
Section 401 - General…… 45
Section 402 – Sketch Plans (optional submission)…… 45
Section 403 – Preliminary Subdivision and Land Development –
Plan Requirements……..... 47

Section 404 – Final Subdivision and Land Development - Plan Requirements……..... 53

**ARTICLE 500 – Design Standards**
Section 501 – Application of Standards……..……..... 63
Section 502 – Location of Site……..……..... 64
Section 503 – General Design Standards for Sites……..... 64
Section 504 – Street Systems – General……..... 65
Section 505 – Street Design……..... 66
Section 506 – Intersection Design……..…… 70
Section 507 – Other Street Provisions…….. 72
Section 508 – Blocks……..……. 74
Section 509 – Lots and Lot Sizes……..... 75
Section 510 – Establishing Building Envelopes and Woodland Preservation Areas on Wooded Lots…….. 77
Section 511 – Protection of Critical Environmental Areas…..... 80
Section 512 – Design, Ownership and Maintenance of Common Open Space…… 80
Section 513 – Water Supply……..…… 82
Section 514 – Water Service Analysis and Feasibility Report……. 83
Section 515 – Sewage Disposal…….. 86
Section 516 – Sewer Facilities Analysis and Feasibility Report……86
Section 517 – Protection of Groundwater Resources……..... 87
Section 518 – Storm Drainage…….. 87
Section 519 – Erosion and Sedimentation Control Requirements……87
Section 520 – Water Quality Requirements……...88
Section 521 – Other Utilities……. 88
Section 522 – Extension of Public Water and Sewer…… 89
Section 523 – Other Public Sites……... ……. 89
Section 524 – Trees, Landmarks and Historic and Archaeology Significance…… 89
Section 525 – Watercourse and Drainageways……. 90
Section 526 – Landscaping, Buffering and Screening…….. 90
Section 527 – Prohibited Subdivision or Land Development…….. 90
Section 528 – Grading……. 91
Section 529 – Drainage ……..... 93

**ARTICLE 600 – Improvements**
Section 601 – Monuments and Markers – Lots……..... 98
Section 602 – Pavement Surface……98
Section 603 – Curbs…….. 99
Section 604 – Gutters……..... 99
Section 605 – Alleys…….. 100
Section 606 – Sidewalks……..... 100
Section 607 - Pedestrian/Bike Paths…….. 101
Section 608– Street Trees……..... 102
Section 609– Landscaping……..... 102
Section 610 - Street Lights……..... 102

Section 610 – Street Signs……..... 105
Section 612 – Resource Conservation Standards for Site Preparation and Cleanup……. 106
Section 613 - Sewage Disposal…….……107
Section 614 – Water Supply……..... 108
Section 615 – Storm Water Detention Basin……..... 108
Section 616 – Storm Drainage……..... 109
Section 617 – Fire Hydrants…….. 109
Section 618 – Other Utilities…….....109
Section 619 – Wells…….. 109
Section 620 – Noise Abatement……..... 110
Section 621 – Parking Lots……...……110
Section 622 – Traffic Impact Assessment…… …… 111
Section 623 – Environmental Impact Assessment……114
Section 624 – Groundwater Easements……. 117
Section 625 – Solar Orientation and Energy Conservation…….. 118

**ARTICLE 700 – Landscaping**

Section 701 – Purpose……..... 121
Section 702 – Scope……...121
Section 703 – General Standards……..……122
Section 704 – Basic Content of Landscape Plan…….. 123
Section 705 – Plant Material Size and Spacing Requirements……. 124
Section 706 – Guarantee and Maintenance……125
Section 707 – Existing Tree Preservation……. 126
Section 708 – Tree Protection Standards……... 127
Section 709 – Street Trees…….…… 128
Section 710 – Buffers and Screens…… 129
Section 711 – Parking Lot Landscaping Design……134
Section 712 – Stream Buffers/Critical Environmental Areas……..….. 136
Section 713 – Landscaping of Storm Water Management Facilities ……136

**ARTICLE 800 – Mobile Home Park Provisions**

Section 801 – Definitions…….. 139
Section 802 – Approval Required…….…… 139
Section 803 – Application for Mobile Home Park Approval…… 139
Section 804 – Mobile Home Park Improvements……..140
Section 805 – Site Location and Dimensions……..... 140
Section 806 – Mobile Home Lots……..... 140
Section 807 – Erection and Placement of Mobile Homes……..….. 140
Section 808 – Areas for Nonresidential Uses……..... 141
Section 809 – Street System…….. 141
Section 810 – Blocks……..... 142
Section 811 – Street Lights……142
Section 812 – Off-Street Parking Areas…….....142
Section 813 – Sidewalks and Pedestrian Paths…….....142
Section 814 – Curbs……... 143

Section 815 – Open Areas……..143
Section 816 – Easements……..... 143
Section 817 – Water Supply……..... 143
Section 818 – Sewage Disposal……..... 144
Section 819 – Storm Water Management……..... 144
Section 820 – Utility Systems……144
Section 821 - Fire Hydrants…….. 144
Section 822 – Service Building and Other Community Service Facilities……144
Section 823 –Completion of Improvements or Guarantee Thereof
Prerequisite to Final Plan Approval…….……..145

**ARTICLE 900 – Interpretations, Enforcement and Penalties**
Section 901 – Severability……. 147
Section 902 – Repealer……..... 147
Section 903 – Interpretation……...147
Section 904 – Amendments……... 147
Section 905 – Appeals to Court from Subdivision and Land Development Decisions……. 148
Section 906 – Enforcement……..... 148
Section 907 – Preventative Remedies and Enforcement Remedies……...148
Section 908 – Effective Date……. 150

**APPENDIX A – Figures & Diagrams**…… ……..... 151

**APPENDIX B – List of Acceptable Street Trees** ……. 171
**List of Invasive Plants** ……171

# ARTICLE 100

## AUTHORITY, SHORT TITLE, PURPOSE, COUNTY REVIEW AND EFFECT

**CROSS REFERENCES**

Article V, Subdivision and Land Development – Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

### Section 101 Authority

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

### Section 102 Short Title

This Ordinance shall be known as "The Shrewsbury Township Subdivision and Land Development Ordinance" (Ordinance).

### Section 103 Purpose

1. The purpose of this Subdivision and Land Development Ordinance is to provide for the general health, safety and welfare of the residents of the Township, as well as for the harmonious development of the Township by including the following, but not limited to:

    A. Providing for the submittal and processing of plats, and specifications for such plats, including provisions for preliminary and final approval and for processing of final approval by stages of section of development.

    B. Ensuring that compatibility with adjacent development occurs through the following: (1) the layout or arrangement of the subdivision or land development shall conform to the Comprehensive Plan, the Zoning Ordinance, and to any regulations or maps adopted in furtherance thereof, including but not limited to the Township's Official Map; (2) streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection; (3) adequate easements or rights-of-way shall be provided for drainage and utilities; (4) reservations if any by the developer of any area designated for use as public grounds shall be suitable size and location for their designated uses; and, (5) land which is subject to flooding shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.

    C. Providing for encouraging and promoting flexibility, economy and ingenuity in the layout and design of subdivisions and land developments, including provisions authorizing the Planning Commission to alter site requirements, and for encouraging other practices which are in accordance with modern and evolving principles of site

planning and development resulting in minimized impacts on the natural environment.

D. Ensuring conformance of subdivision plans with the Southern York County Regional Comprehensive Plan and public improvement plans.

E. Ensuring coordination of inter-municipal public improvement plans and programs.

F. Securing the protection of water related resources, including public and private water supply sources, wetlands and floodplains, drainage ways and riparian areas.

G. Securing adequate sites for recreation, conservation, scenic and other open space purposes.

H. Securing equitable handling of all subdivision plans by providing uniform standards and procedures.

I. Establishing provisions governing the standards by which streets shall be designed, graded and improved, and walkways, curbs, gutters, street lights, fire hydrants, water and sewage facilities and other improvements shall be installed as a condition precedent to final approval of plats.

J. Establishing provisions which take into account phased land development not intended for the immediate erection of buildings where streets, curbs, gutters, street lights, fire hydrants, water and sewage facilities and other improvements may not be possible to install as a condition precedent to final approval of plats, but will be a condition precedent to the erection of buildings on lands included in the approved plat.

K. Establishing provisions and standards for insuring that new developments incorporate adequate provisions for a reliable, safe and adequate water supply to support intended uses within the capacity of available resources.

L. Establishing provisions requiring the public dedication of land suitable for the use intended; and, upon agreement with the applicant or developer, the construction of recreational facilities, the payment of fees in lieu thereof, the private reservation of the land, or a combination, for park or recreation purposes as a condition precedent to final plan approval.

M. Establishing provisions and standards for landscaping, screening and buffering that promote attractive development and preserves, protects and enhances the character and quality of life in Shrewsbury Township.

N. Minimizing the impact of roadway traffic noise on individuals, businesses and other land uses and activities, and to prevent the loss of quality of life caused by intrusive traffic noise.

**Section 104 Authority and ,Jurisdiction**

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

2. No lot in a subdivision may be sold and no permit to erect, alter or repair any building upon land in a subdivision may be issued, and no building may be erected in a subdivision unless and until a final plan of such subdivision shall have been approved and properly recorded and until the requirements or conditions required by the Board of Supervisors in connection therewith shall have been constructed or guaranteed as hereinafter provided in this Ordinance.

3. It shall be unlawful to record any plan of any proposed subdivision in the Township unless the said plan shall have the written approval of the Township Board of Supervisors.

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

    A. Approval by the Township Board of Supervisors. The Shrewsbury Township Board of Supervisors, hereinafter referred to as the Board of Supervisors, shall be vested with the authority to approve or disapprove all subdivision and land development plans.

    B. Review by the Township Planning Commission. The Shrewsbury Township Planning Commission, hereinafter referred to as the Planning Commission, shall be vested with the review and evaluation of subdivision and land development plans.

    C. Review by the County Planning Commission. Plans for subdivision and land development located within Shrewsbury Township shall be submitted to the York County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township. However, if a report is not received from the County Planning Commission within thirty (30) days after submission, the Township may proceed without the report.

**Section 105 Violation**

1. It shall be a violation of this Ordinance for any person, partnership or corporation to subdivide any land in Shrewsbury Township or to create any land development in Shrewsbury Township without first having a final plan approved in accordance with the provisions of this Ordinance.

2. It shall also be a violation of this Ordinance for any person, partnership or corporation to lay out, construct, open or dedicate it for public use or travel or for the common use of occupants of buildings abutting thereon any street, sanitary sewer, storm sewer, water main or other improvement in connection therewith except in accordance with this Ordinance.

# ARTICLE 200

## INTERPRETATION AND DEFINITIONS

### CROSS REFERENCES

Shrewsbury Township Zoning Ordinance, as amended—

Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended, Section 107 Definitions

Pennsylvania Sewage Facilities Act, P.L. 1535, (Act 537 of 1966, as amended)

**Section 201** Word Usage

1. Word usage. Presume that all words and phrases are used in their ordinary context unless such word or phrase is defined or interpreted differently within this article.

2. Language interpretation. In this chapter, when not inconsistent with the context:

   A. Words in the present tense imply also the future tense.

   B. The singular includes the plural.

   C. The male gender includes the female gender.

   D. The word "person" includes a partnership or corporation, trust or association, as well as an individual.

   E. The term "shall" or "must" is always mandatory, “may” is always permissive.

   F. The word “building” shall be construed as if followed by the words or part thereof.

   G. The word “street” includes roads, avenues, highways, and lanes.

   H. The word “watercourse” includes drain, ditch, creek and streams.

**Section 202** **Definitions**

**Access –** A driveway, street or other means of passage of vehicles between the highway and abutting property, including an acceleration lane and a deceleration lane and such drainage structures as may be necessary for the proper construction and maintenance thereof.

**Access Drive** - A paved or unpaved surface, other than a street, that provides vehicular access from a street or private road to a lot. (See definition for driveway.)

**Agent** – Any person, other than the subdivider or landowner of a lot, who, acting for the subdivider, submits to the Planning Commission and Township Board of Supervisors subdivision or land development plans for the purpose of obtaining approval thereof.

**Alley** – A permanent service way providing a secondary means of access to a lot or lots.

**Applicant** – Any landowner, developer, subdivider, or lessee or his authorized agent who submits plans, data and/or applications to the Zoning Officer or other designated Township official for obtaining approval thereof.

**Application** – Every application 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 land development plan.

**Bioretention Systems** – Storm water Best Management Practices (BMPs) that use filtration to treat storm water runoff. These systems use vegetation, such as trees, shrubs, and grasses, to remove pollutants from storm water runoff.

**Block** – An area bounded by streets.

**BMP (Best Management Practice)** – Activities, facilities, measures or procedures used to manage storm water impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of this Ordinance, to include but not limited to infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins.

**Board of Supervisors** – Shrewsbury Township Board of Supervisors.

**Bond** – A bond is a certificate of debt issued by a corporation to the Township guaranteeing payment of the original investment plus interest to cover the cost of proposed public improvements to be dedicated to the Township by a certain date. A bond is considered financial security.

1. **Performance Bond** – An agreement executed by a subdivider and a bonding company authorized to do business in the Commonwealth of Pennsylvania, guaranteeing the completion of physical improvements to Shrewsbury Township by the subdivider. This certificate of debt issued by a corporation guaranteeing payment of the original investment plus interest to cover one hundred ten (110) percent of the estimated cost of proposed public improvements associated with an approved development. A financial guarantee to the Township for the timely installation and proper construction of public improvements.

2. **Maintenance Bond** – An agreement by a subdivider and a bonding company authorized to do business in the Commonwealth of Pennsylvania, guaranteeing the maintenance of completed physical improvements dedicated to Shrewsbury Township by the subdivider. A certificate of debt issued by a corporation guaranteeing payment of the cost of maintenance of public improvements dedicated to the Township for a certain timeframe or of private improvements required as part of the approved development. A financial guarantee to the Township for satisfactory function or operation of the structure or facility for a specified timeframe.

**Buffer or Buffer Area** – A naturally vegetated area or re-vegetated area established or managed to protect structures, aquatic resources, wetlands, floodplains and terrestrial environments.

1. **Buffer Planting Strip:** A continuous pervious planting bed consisting of trees and shrubs, grass or ground cover.

**Building** - A structure having a roof that is used for the shelter or enclosure of persons, animals or chattels. The word "building" shall include any part thereof.

1. Accessory Building - A subordinate building located on the same lot as a Principal building and clearly incidental and subordinate to the principal building, including but not limited to, private garages, carports, utility buildings, tool sheds, noncommercial greenhouses, etc. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

**Building Envelope** – The area of the lot that allows building development to occur. The building envelope shall not include the area of any required setbacks; (except for driveways which cross yards) buffer yards, floodplains, or Critical Environmental Areas as defined herein.

**Building Line** (**Building Setback Line**) – A line within and across a lot defining the required minimum yard between any structure and any adjacent street line.

**Caliper** – standard measure of tree size for trees to be newly planted. The measurement is taken 6 inches above the ground for trees 4 inches in diameter or less and 12 inches above the ground for trees over 4 inches in diameter. For trees greater than 12 inches in diameter, the trunk is measured at breast height (diameter at breast height or DBH), which is 4 ½ feet above the ground.

**Cartway** - The surface of a street or alley available for vehicular traffic; or the area between curbs.

**Channel** – A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water. Channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, canals, and watercourses.

**Clear-Sight Triangle** - An area of unobstructed vision at all street and driveway intersections. It is defined by lines of sight between points at a given distance from the intersection of the street lines.

**Commission** – The Shrewsbury Township Planning Commission.

**Common Open Space** – A parcel or parcels of land or an areas of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**Comprehensive Plan** –The Southern York County Regional Comprehensive Plan; the complete plan for the protection of sensitive environmental systems, natural resources, man-made features, continuing development and redevelopment of the Township of Shrewsbury as recommended by the Planning Commission and currently adopted by the Board of Supervisors.

**Construction and Material Specification Manual for Subdivisions and Land Developments** – This Construction and Material Specifications Manual for Subdivisions and Land Developments ("the Manual") is associated with the Shrewsbury Township Subdivision and Land Development Ordinance but separately adopted by the Board of Supervisors. The standards and requirements contained in the Manual shall apply as minimum design standards for subdivision and/or land developments in the Township. In the event that any provision of this Subdivision or Land Development Ordinance or any other ordinance, resolution or specification of the Township is in conflict with the Manual, the requirements of the Manual shall prevail.

**Critical Environmental Areas (CEAs)** – Lakes, ponds, watercourses, springs, seeps, 100 year flood plains, wetlands, steep slopes (twenty-five percent (25%) or greater), and buffer areas identified and delineated pursuant to Article 13 of the Zoning Ordinance and the Township's Comprehensive Plan.

**Crosswalk or Pedestrian Interior Walkway** – A right-of-way or easement for pedestrian travel across or within a block.

**Cul-de-sac** – A local or minor street intersecting another street at one end and terminating at the other in a vehicular turnaround.

1. **Temporary Cul-de-sac** – A street intersecting another street at one end and terminating at the other in a vehicular turnaround with intent to restrict development abutting the turnaround so that the street may be continued for the purpose of accommodating future development or connection to existing rights-of-way to enable through vehicular access.

2. **Permanent Cul-de-sac** – A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

**Culvert** – A structure with appurtenances, including but not limited to, headwall(s), wing walls, bank stabilization measures, riprap, gabions, etc. which carries a water course under or through an embankment or fill.

**Curb** – The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

**DBH** – Diameter at breast height; diameter of a tree at breast height, or four and one half (4 ½) feet.

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

**DEP - Department of Environmental Protection** – The Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

**PennDOT - Department of Transportation** – The Department of Transportation of the Commonwealth of Pennsylvania or any agency successor thereof.

**Design Storm** – The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 10 year storm) and duration (e.g., 24 hour) used in computing storm water management control systems.

**Detention Basin** – A vegetative basin designed to drain completely after storing runoff only for a given storm event and releasing it at a predetermined rate. Also know as a dry pond.

**Developer** – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

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

1. **Pre-Development** – Existing conditions of undeveloped lands or lands with existing development with respect to natural characteristics such as slope, runoff, percolation or permeability, infiltration, water quantity and quality and other related characteristics that may be impacted or altered by proposed development. Pre-development conditions set the standard for acceptable post-development conditions.

2. **Post-Development** – Anticipated conditions of proposed development or conditions of completed land development with respect to natural characteristics such as slope, runoff, percolation or permeability, infiltration, water quantity and quality and other related characteristics with post-development conditions replicating pre-development conditions.

**Development Plan** – The provisions for development, including a planned residential development, a plat of subdivision and/or land development, 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. Development plan is also referred to as land development plan and subdivision plan.

**Drainage Facility** – Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

**Drip Line or Tree Protection Zone** – An undisturbed area measured fifteen feet from the outside edge of tree canopies of a cluster or grove of trees.

**Driveway** – A minor vehicular right-of-way, paved or unpaved, providing access between a street and a parking area or garage within a lot or property. This is also referred to as an access drive.

**Dwelling Unit** – A building, or portion thereof, that provides complete housekeeping facilities for one (1) family.

**Earth Disturbance-** A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, timber harvesting activities, road maintenance activities, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

**Easement** – A grant of one (1) or more of the property rights by the property owner to, and/or for, the use by the pubic, a corporation, or other person in equity, which is subordinate to, but not inconsistent with, the owner's general property rights.

1. **Easement of Access** – Any driveway or other entrance from a public or private road. A field road providing access to agriculturally used fields and not providing access to any residential, commercial or industrial structure is not considered an easement of access.

2. **Conservation Easement** – An easement precluding future or additional development of a lot, parcel or tract of land, generally for a finite period of time.

3. **Drainage Easement** – An easement secured for the preservation of natural drainage ways, watercourses corridors and perennial and/or intermittent watercourses, and for related manmade drainage facilities related thereto.

**Engineer** – A Professional Engineer licensed as such in the Commonwealth of Pennsylvania.

**Environmental Impact Assessment** – A detailed report of the impact that a development proposal may have on the environment, including methods and techniques for mitigating any potentially adverse consequences of said development.

**EPA** – United States Environmental Protection Agency.

**Erosion** – The process by which the land surface is worn away by the action of wind, water, ice and gravity.

1. **Accelerated Erosion** – The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

**Erosion and Sediment Pollution Control Plan (E&SPC)** – A plan which is designed to minimize accelerated erosion and sedimentation pursuant to 25 Pa. Code, Chapter 102.

**Filtering Systems** – A diverse group of techniques used for treating the quality of storm water management runoff.

**Financial Security** – Financial guarantee by the developer/owner to the Township for the cost of proposed improvements and common amenities related to land development activities to include, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings. Acceptable financial security includes bonds, irrevocable letters of credit, or restrictive or escrow accounts with a bonding company or Federal or Commonwealth chartered lending institution authorized to conduct such business within the Commonwealth. See also Bond.

**Flood** – A temporary inundation of normally dry land areas.

**Floodplain** – A relatively flat or low land area that is subject to partial or complete inundation from an adjoining or nearby watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**Floodplain (100-Year)** – The area adjoining a river, stream, or other watercourse that will be covered by water during a 100-year flood, where a 100-year flood is the flood having a one (1) percent chance of being equaled or exceeded in magnitude in any given year. The 100-year floodplain is calculated using statistics, probability, and hydrologic modeling based on actual historical rainfall data and measurements of watercourse channel cross sections. The Federal Emergency Management Agency (FEMA) has developed maps of 100-year floodplains for most watercourses based on these calculations. The Natural Resources Conservation Service, USDA, has prepared soil maps delineating areas of alluvial soils.

**Floor Area, Gross** - The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

**Forest** – A biological community dominated by trees and other woody plants.

**Frontage** – The horizontal or curvilinear distance along the street line upon which a lot abuts.

**Governing Body** – The Board of Supervisors of Shrewsbury Township.

**Grade** – The degree of rise or descent of a sloping surface. A slope, usually of a road, channel or natural ground is specified in percent and shown on plans as specified herein.

**Grading** – The changing of the natural topography through cutting or filling by more than one (1) foot in elevation over an area exceeding one thousand (1,000) square feet, or in which the natural drainage pattern of a lot is altered.

**Groundwater Recharge** – Replenishment of existing natural underground water supplies.

**Gutter** – That portion of a right-of-way carrying surface drainage.

**Hardship** – A peculiar condition or conditions pertaining to the land subject to subdivision or land development for which a subdivider or developer may request a modification or waiver.

**Highway Occupancy Permit (HOP)** – A permit issued by a district office pursuant to Title 67, Transportation of the Commonwealth of Pennsylvania, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads.

**Impervious Surface** – Impervious surfaces are those surfaces that do not readily absorb rain. All buildings, structures, parking areas, driveways, roads, sidewalks and any areas in concrete, asphalt, and placed stone shall be considered impervious surfaces within this definition. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classified as impervious.

**Improvements** – Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, utilities, storm sewers, grading, street signs and plantings, and other items for the welfare of the property owners and the public.

1. **Off-Site Improvements** – Those capital improvements which are not on-site improvements and that serve the needs of more than one development.

2. **On-Site Improvements** – All improvements constructed on the applicant's property, or the improvements constructed on the property abutting the applicant's property necessary for the ingress or egress to the applicant's property, and required to be constructed by the applicant pursuant to this ordinance, the building code, and zoning ordinance.

3. **Roadway Improvement –** The construction, enlargement, expansion or improvement of public highways, roads or streets. It shall not include bicycle lanes, bus lanes, bus ways, pedestrian ways, rail lines or toll ways.

**Infiltration Structures** – A structure designed to direct runoff into the ground (e.g. French drains, seepage pits, seepage trench, etc.).

**Inlet** – A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

**Invasive Plants** – a species of plant that has become a weed pest, a plant which grows aggressively, spreads, and displaces other plants.

1. **Situational invasive plants** - plant species planted for quick groundcover that become a serious problem when planted, seeded or discarded near native herbaceous communities. These species include: Crown-Vetch, Coronilla varia; English Ivy, Hedera heli; *Tall fescue, Festuca elatior; *Orange day-lily, Hemerocallis fulva, Periwinkle, Vinca minor; and Chinese and Japanese wisteria, Wisteria sinemsis and W. floridbunda.

**Land Development** – Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

    A. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number or occupants or tenure; or

    B. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants, by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features; or

    C. A subdivision of land.

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 (3) residential units, unless such units are intended to be a condominium.

2. The addition of an accessory building not to be used exclusively in connection with the agricultural use of the property containing less than one thousand five hundred (1,500) square feet of gross floor area or the addition of a building to be used exclusively in connection with the agricultural use of the property, which accessory building is subordinate to an existing principal building.

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 by proper authorities.

**Landowner** – The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land shall be deemed to be a landowner for the purposes of this ordinance.

**Landscaping** – Landscaping shall include, but not be limited to, grass and other plantings such as trees, shrubs and bushes.

**Leaf Litter** – The fallen leaves that form the natural floor for woodland.

**Location Map** – A map showing the site with relation to adjoining areas.

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

For the purposes of this Ordinance, the words "Lot" and "Tract" carry the same meaning and can be used interchangeably.

1. **Corner Lot** – A lot with two (2) adjacent sides abutting on street or other public places which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of the two (2) street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.

2. **Double-Frontage Lot** – A lot which extends from one street to another, with frontage on both streets. The front yard is the yard that abuts the street used in the building's address.

3. **Improved Lot** – Any lot of record and/or any lot within any subdivision properly approved by Shrewsbury Township which either (1) has a principal building constructed thereon, or (2) if no principal building has been so constructed, has frontage upon either a public or private street in suitable condition to permit access for purposes of construction or establishment of a principal building.

4. **Interior Lot** – A lot other than a corner lot.

**Lot Area** – The area contained within the property lines of the individual parcels of land as sown on a subdivision plan, including any area within a street right-of-way, and including the area of any easement.

1. **Lot Coverage** – That portion of a lot covered by impervious surfaces such as, but not limited to buildings, parking areas, driveways, etc. Does not include impervious surfaces within a street right-of-way.

2. **Lot Depth** – The mean horizontal distance from the street line of a lot to its opposite rear lot line measured in the general direction of the side lot lines.

3. **Lot of Record** – A lot which has been recorded in the office of the Recorder of Deeds of York County, Pennsylvania.

4. **Lot Width** – The width of a lot measured at the minimum setback line for the zone in which the lot is located.

5. **Reverse Frontage Lot** – A lot extending between and having frontage on an arterial or Collector Street and a local street with vehicular access solely from the latter.

6. **Unimproved Lot** – Any lot of record which is not an improved lot.

**Lot Lines** – A line dividing one lot from another or from a right-of-way.

1. **Rear Lot Lines** – Any lot line which is parallel to or within forty-five (45) degrees of being parallel to a street line, except for a lot line that is itself a street line and, in the case of a corner lot, the owner shall have the option of choosing which of the two (2) lot lines that are not street lines is to be considered a rear lot line. In the case of a lot of an odd shape, only the one lot line furthest from any street shall be considered a rear lot line. In the case of a triangular lot with no rear lot line, the distance between any point on the building and the corner of the lot farthest from the street line shall be at least twice the normally required rear yard.

2. **Side Lot Line** – Any lot line which is not a street line or a rear lot line.

**Mobile (Manufactured) Home** - A transportable single family dwelling intended for a permanent occupancy, contained in one (1) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental assembly operations, and constructed so that it may be used without a permanent foundation. This definition does not include manufactured homes (Modular) designed for a permanent foundation.

1. **Mobile Home Lot** - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

2. **Mobile Home Park** - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

3. **Mobile Home Stand or Pad** - That part of an individual mobile home lot that has been reserved for the placement of a mobile home and appurtenant structures and connections.

**Municipal 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."

**Municipalities Planning Code (MPC)** – The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.

**Municipality** – Shrewsbury Township.

**Native Plant** – as used in this ordinance, plants which occurred within Pennsylvania or the Middle Atlantic States before settlement by Europeans.

**Non-Municipal Public Water System** – A water supply system receiving its supply from a source that is owned, operated and controlled by a private entity and approved and permitted by the Pennsylvania Department of Environmental Protection (DEP) and regulated by the Pennsylvania Public Utilities Commission (PUC).

**OLDS** - an individual on-lot sewage disposal system.

**On-Site Storm Water Management** – The control of runoff to allow water falling on a given site to be absorbed or detained on-site to the extent that after development the peak rate of discharge leaving the site is no greater than if the site had remained undeveloped.

**Overstory** –The upper most canopies of leafed limbs of woodland. Examples of trees that meet this description include black walnut, red oak, black oak, hickory, white oak, chestnut oak, read maple, black gum, and black cherry. See Understory.

**Owner** – The owner of record of a lot or parcel of land.

**Ownership and Maintenance Agreement** - A private agreement suitable for recording in the York County Recorder of Deeds Office shall be prepared, properly executed, and recorded with the final subdivision or land development plan and shall run with the land and shall clearly identify the individual or entity responsible for the ownership and maintenance of non-dedicated improvements. Said agreement shall be reviewed and approved by the Shrewsbury Township Board of Supervisors and Township Solicitor and, at a minimum, shall stipulate the following:

1. That the owners, an association of property owners, successors and assigns shall keep all improvements in a safe and attractive manner and the owner shall convey to the Township easements and/or rights-of-way to assure access for periodic inspections by the Township and maintenance, if required.

2. That if the owners, association of property owners, successors and assigns, fail to maintain the improvements following due notice by the Township to correct the problems, the Township may perform the necessary work or corrective action. The owners or association of property owners shall reimburse the Township for these services. The Township shall have the authority to assert a judgment lien against the said owners or association of property owners for failure to make said reimbursement(s).

**Parcel** – A lot or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

**Peak Discharge** – The maximum rate of storm water runoff from a specific storm event.

**Percolation Test** – A test designed to determine the ability of ground to absorb water and used to determine the suitability of soil for drainage or for septic system use.

**Plan/Plat** – The map or plan of a subdivision or land development, whether preliminary or final.

1. **Plan, Final** – A complete and exact subdivision plan, prepared as for official recording, to define property rights and proposed streets and other improvements

2. **Plan, Preliminary** – A tentative subdivision plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

3. **Plan, Record** – An exact copy of the approved final plan prepared for necessary signatures and recording with the York County Recorder of Deeds.

4. **Plan, Sketch** – An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision for discussion purposes only and not to be presented for approval.

**Planning Module** – A revision to the Township's Official Sewage Facilities Plan (a plan pursuant the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537 as amended, 35 P.S. §750.1 *et seq*) in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

**Preservation** - When used in connection with natural and historic resources, shall include means to conserve or safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

**Protected Parking Lane** – On-street parking areas which utilize curb extensions (also called bulbouts) to narrow the overall street width and delineate the starting and ending points of the parking lane and may also include mid-block curb.

**Public Hearing** – A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247 as amended.

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

**Public Notice –** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven days from the date of the hearing.

**Public Water System** – A water supply system receiving its supply from other than the proposed development site and which is owned, operated or controlled by the township or by a municipal authority, and approved and permitted by the Pennsylvania Department of Protection (DEP).

**Reserve Strip** - A parcel of land separating a street from adjacent properties, while not being used or capable of being used as a building lot, open space, recreation area, or for legitimate environmental protection purposes.

**Retention Basin** – An impoundment in which storm water is stored and not released during the storm event. Stored water may be released from the basin at some time after the end of the storm.

**Right-of-Way** –Land set aside for use by streets, crosswalks or utility lines.

1. **Existing Right-of-Way** - The legal right-of-way as established by the Commonwealth, the Township or other legal authority and currently in existence.

2. **Future Right-of-Way** - (1) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads, or (2) a right-of-way established to provide future access to or through undeveloped land.

**Roadway** – That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

1. **Roadway or Street Width** – The improved or paved width of the street including the cartway, parking lane and shoulders.

2. **Travel Lane** – The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

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

**Sediment** – Soils or other superficial materials transported or deposited by the action of wind, water, ice or gravity as a product of erosion.

**Sediment Basin** – A barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt or other materials transported by water.

**Seep** – An area where ground water slowly oozes to the surface.

**Seepage Pit/Seepage Trench** – An area of excavated earth and fabric filled with loose stone or similar coarse material, including a cleanout, into which surface water is directed for infiltration into the ground.

**Sewage** – Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 94), known as the "The Clean Streams Law," as amended.

**Sewage facilities** — A system of sewage collection, conveyance, treatment and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters

of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. The term includes:

1. **Individual sewage system** — A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal. The term includes:

    A. **Individual on-lot sewage disposal system (OLDS)** — An individual sewage disposal system which uses a system of piping, tanks or other facilities for collecting, treating and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.

2. **Community sewage system** — A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site. See also Non-municipal Public Sewage System.

    A. **Community on-lot sewage system** — A system of piping, tanks or other facilities serving two or more lots and collecting, treating and disposing of sewage into a soil absorption area or retaining tank located on one or more of the lots or at another site.

**Sewage Reserve Area** – A protected area set aside to provide for a new drainage field should the primary on-lot septic system fail.

**Sewer** – any pipe or conduit used to collect and carry sewage or stormwater runoff from the generating source to treatment plants or receiving streams.

1. **Public Sanitary Sewer System**– A sanitary sewer system owned, operated or controlled by a municipality (borough or township) or by a municipal authority and approved and permitted by the Pennsylvania Department of Protection (DEP).

2. **Sanitary Sewer** - a sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted

3. **Sanitary Sewer System -** All sanitary or combined sewers, all pumping stations, all force mains, all sewage laterals, and all other sewerage facilities located within a sewer authority's sewer service area which are designed and intended for the collection, transportation and/or treatment of sanitary sewage and industrial waste, together with their appurtenances, and any additions, extensions or improvements thereto, irrespective of whether or not such facilities are owned by the Township or an authority.

4. **Storm Sewer** – A system of conduits that collects and routes storm water to a surface-water discharge point.

**Sidewalk** – An improved walkway, continuous for a reasonable distance and an integral part of the roadway, constructed solely for use by pedestrians.

**Sight Distance** – The length of street, measured along the centerline, which is continuously visible from any point three and one-half (3½) feet above the centerline.

**Slope** – The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees. See Grade.

**Soil** – All unconsolidated mineral and organic material of whatever origin that overlies bedrock and can be readily excavated.

1. **Soils, Alluvial/Floodplain** – Areas subject to periodic flooding and listed in the 2002 or most recent USDA Soil Survey of York County, Pennsylvania, as being "on, or in, the floodplain" or subject to flooding.

2. **Soils, Hydric** – Soils that are categorized as poorly drained that can support hydrophilic plants, but may not do so in many cases. For the purpose of this ordinance hydric soils are general wetland indicator soils.

**Specimen Tree** – A tree that represents outstanding or dominant qualities for a particular species.

**Stabilized Base** – Shall be a stone base of not less than three-quarter (¾) inch mixed with asphalt.

**Steep Slopes** – Areas where the average slope is twenty-five (25) percent or greater.

**Storm Water** – The total amount of precipitation reaching the ground surface.

**Storm Water Management** – A program of controls and measures including BMPs designed to regulate the quantity and quality of storm water runoff from a development while promoting the protection and conservation of groundwater and groundwater recharge.

**Storm Water Management Facility** – Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects storm water runoff. Typical storm water management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes and infiltration structures.

**Street** – A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified as follows:

1. **Arterial Street** - Streets serving large numbers of high speed traffic and connecting population and employment centers and which are designated in the Comprehensive Plan.

2. **Collector Street** – A street or road which carries traffic from minor streets to the major system or arterial streets, including the principal entrance streets of a residential development and streets within such a development.

3. **Half or Partial Street** – A street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.

4. **Loop Roads/** – A minor or local street used primarily for access to the abutting properties and generally serving internally developed areas via one point of ingress/egress to another street.

5. **Minor or Local Street** – A street which is used primarily for access to the abutting properties and generally serving internally developed areas.

6. **Public Street** – A public way, excluding driveways and access drives, which affords the principal means of access to abutting properties intended to be used by vehicular traffic and pedestrians.

7. **Cul-de-sac** – A dead-end street equipped with a circular vehicle turnaround at its terminus.

8. **Private Street (or Private Road)** – A street not offered for dedication or whose dedication was not accepted by the Township.

9. **Service Drive or Alley** – A minor street which is used primarily for vehicles to service access to the rear or the side of properties otherwise abutting a street.

10. **Street Line** – The dividing line between the street and the lot; also known as the right-of-way line.

11. **Street Name Suffixes** – The following identifies acceptable street name suffixes.

    A. **Alley –** A right-of-way providing secondary vehicular access to the side or rear of two or more properties.

    B. **Avenue –** A wide street or thoroughfare for vehicles usually lined with trees and sidewalks.

    C. **Boulevard –** A broad urban street often tree-lined and landscaped, possibly separated by a landscaped median between lanes.

    D. **Circle –** A local street within a residential subdivision that intersects a primary street at two points.

E. **Court –** A local street providing interior access in a residential development that may be narrower than the typical street width that terminates in a cul-de-sac or turn around area, public or private open space or a common parking lot.

F. **Highway –** A main public road connecting populated areas such as towns, cities, suburbs, etc.

G. **Lane –** A narrow right-of-way, public or private, providing access to rural residential development.

H. **Road –** A public or private right-of-way for vehicles.

I. **Street –** A public way or thoroughfare for vehicles usually including sidewalks lining one or both sides.

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

**Subdivider** – Any person, firm, partnership or corporation who subdivides land deemed as a subdivision as defined by this Ordinance, said person, firm or corporation acting as owner or authorized agent of the landowner.

**Subdivision** – The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

1. **Major Subdivision** – Any subdivision not classified as a Minor Subdivision, including but not limited to, subdivision of more than five (5) lots, dwelling units or any size subdivision requiring any new public streets or extension of Township or public facilities.

2. **Minor Subdivision** –

   A. Any subdivision in which no public street is constructed or is required to be widened; no other completion of public improvement or guarantee thereof is required other than individual on-lot storm water management systems; no earthmoving activities will take place except those incidental to construction of a single-family dwelling on each lot; and, no more than five (5) lots are created.

   B. Any land development which proposes no more than one commercial, industrial or intensive livestock structure.

**Subdivision Review Committee** – A committee of Township staff including but not limited to the Township Engineer and Township Zoning Officer to discuss and review the applicability of the provisions of this Ordinance with a prospective applicant for subdivision and/or land development.

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

**Surveyor -** A professional surveyor licensed as such in the Commonwealth of Pennsylvania.

**Swale** – A low lying stretch of land which gathers or carriers surface water runoff.

**Topsoil** – Surface soil including the organic layer in which plants have most of their roots.

**Township** – Shrewsbury Township, York County, Pennsylvania as represented by the Board of Township Supervisors, or their duly authorized agent.

**Township Engineer** – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township.

**Tract** – All contiguous land owned by the same landowner and all land owned by the same landowner that is contiguous except for the presence of public or private roads and/or the presence of lots or parcels subdivided from the original tract since November 10, 1976.

**Traffic Impact Assessment** – Traffic or transportation planning analyses of the proposed development on the transportation network in order to identify both on-site and off-site roadway and intersection improvements necessary to adequately and safely accommodate the proposed development. The study analysis must be prepared by an Engineer licensed by the Commonwealth, or otherwise educated and experienced to perform traffic or transportation planning analysis dealing with planning, geometric design and traffic operations of highways, roads and streets, their networks and related topics. This analysis is support documentation for a preliminary plan and all recommended on-site improvements shall be reflected on said plan.

**Tree Canopy** – The coverage of the ground by the upper-most leafed limbs of trees.

**Tree Preservation Area** – All wooded areas, tree clusters and individual, isolated trees located outside of the designated building envelope. This area is maintained in leaf litter or the natural forest floor rather than converted to lawns, gardens or re-graded, filled or otherwise altered or disturbed.

**Understory** – The canopy of leafed limbs formed under the overstory. Trees that often meet this description include sassafras and dogwood, and serviceberry. See overstory.

**Use** –Any activity carried on or intended to be carried on in a building or other structure or on a lot.

1. **Accessory Use** – A subordinate use listed in Articles IV-VIII under the use regulations for each zoning district of the Township's Zoning Ordinance, normally located on the same lot with a principal use. If no principal use exists on a lot with a lawful accessory use, then such accessory use shall be considered a principal use

2. **Principal Use** – The primary purpose or purposes for which a lot is occupied as listed in the use regulations for each zoning district in the Township's Zoning Ordinance. If more than two (2) principal uses occupy a single lot, each such use must be positioned so that the lot on which such uses are located could subsequently be subdivided, separating each use yet meeting all applicable district dimensional requirements. This restriction does not apply to lots with only two uses.

**Wastewater Treatment Facility** – A system of piping and appurtenances, whether municipally or privately owned, designed for the collection and transmission of liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions to a central wastewater treatment plant for treatment and discharge. This does not include septic tanks.

**Water Supply Facility** – Water flowing within a stream channel, ditch, conduit, gully or ravine, which are either naturally or artificially created and contain an intermittent or perennial base flow of groundwater origin.

**Watercourse** – Any natural or artificial stream, including but not limited to, a river, creek, ditch, channel, conduit, waterway, gully, ravine, or wash, flowing in a defined bed or channel, including any area adjacent thereto, which is subject to inundation by reason of overflow or floodwater. It need not flow continuously.

**Wetland** – Those areas that are inundated or saturated by surface or ground water of a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturate soil conditions, commonly known as hydrophytic vegetation. Wetlands include but are not limited to swamps, marshes, bogs and similar areas. The determination of whether an area is a nontidal wetland shall be made in accordance with the publication known as the "Federal Manual for Identifying and Delineating Jurisdictional Wetlands," published in 1987 and as may be amended and/or hydric soil identification based on the 2002 or most recent USDA Soil Survey of York County.

**Woodland** – See forest.

**Yard** – An open, unoccupied space, unobstructed from the ground up, on the same lot with a structure extending along the entire length of a lot line or street line and inward to the structure. The size of a yard shall be measured as the shortest distance between the structure and a lot line or street line.

1. **Front Yard** – A yard between a structure and street line and extending the entire length of the street line. In the case of a corner lot, the yards extending along all streets are front yards. In the case of a lot other than a corner lot that fronts on more than one (1) street, the front yard is that yard abutting the street used in the building's address.

2. **Rear Yard** – A yard between a structure and rear lot line and extending the entire length of the rear lot line. If the lot fronts on more than one street, the rear yard is the yard opposite the yard abutting the street used in the building's address.

**Side Yard** – A yard between a structure and side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

PAGE INTENTIONALLY BLANK

# ARTICLE 300

## ADMINISTRATION AND PROCEDURES

### CROSS REFERENCES

Article V, Subdivision and Land Development – Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended

Shrewsbury Township Fee Schedule, as adopted by resolution and amended

**Section 301 <u>Pre-Application Consultation</u>**

Copies of this Ordinance shall be available on request for the use of any person who desires information concerning subdivision and land development standards and procedures in effect within Shrewsbury Township. Any prospective applicant developer/owner, along with the applicant's engineer/surveyor, if so engaged, shall schedule a meeting, through the Township Secretary, with the Subdivision Review Committee to discuss the applicability of the provisions of this Ordinance. During this pre-application consultation the developer or owner may submit a sketch plan for discussion purposes only.

**Section 302 <u>Sketch Plan (Optional Submission)</u>**

1. Where a land development plan includes improvements, the developer may submit a sketch plan to the Planning Commission, which should include at a minimum those items listed in Section 402 of this Ordinance.

2. A sketch plan will be considered as submitted for informal review and discussion and shall not constitute formal filing of the plan with the Township.

3. As far as may be practical on the basis of the sketch plan review and discussion, the Township will informally advise the developer as promptly as possible of the extent to which the proposed land development conforms to both the Township's Subdivision and Land Development and Zoning Ordinances and will discuss possible plan modifications or enhancements necessary to secure conformance to Township's Ordinances.

**Section 303 <u>Preparation of Plans</u>**

Preliminary and final plans shall be prepared by an engineer, surveyor and/or a landscape architect licensed in the Commonwealth of Pennsylvania to perform such duties. Metes and bounds descriptions shall be prepared by professional surveyors, and designs which entail engineering expertise shall be prepared by professional engineers.

**Section 304 Minor Subdivision Plans**

Any minor subdivision which contains no more than five (5) lots or prospective dwelling units or any land development which proposes no more than one commercial, industrial or intensive livestock structure shall be reviewed and acted upon as a final plan without the necessity of a prior preliminary plan approval, except subdivision and land development involving infrastructure improvements such as, new streets, alleys, public or joint use sanitary sewer facilities, public or joint use water supplies or storm water management facilities.

**Section 305 Submittal of Plans**

1. The following submission procedure shall apply to all preliminary and final subdivision plans and land development plans:

    A. Subdivision plans and land development plans may be submitted to the Township Secretary or designee at the Township Office on any business day. However, to be placed on the Planning Commission agenda for that month, plans must be received five (5) full working days prior to the Planning Commission Meeting.

    B. Applicants shall submit a sewer facilities Planning Module or supplement in conjunction with the preliminary plan application in order to avoid unnecessary delays.

2. Application Requirements – All plan applications shall include:

    A. A minimum of five (5) copies of the preliminary and/or final plan and supporting documents, as required by this Ordinance. Additional copies may be requested by the Township.

    B. One (l) copy of the application form. An optional waiver of the 90 day time form is available in the Township office.

    C. Two (2) copies of any requests for waivers. A waiver request form is available from the Township office.

    D. The required filing fee, as set by resolution of the Board of Supervisors.

    E. Sewer facilities siting including location of the soil percolation tests and core borings.

    F. A statement that the plan does or does not affect property that is included on the Shrewsbury Township Official Map and, if so, then that the property owner understands that Shrewsbury Township has one year from the date of the submission to take whatever action it deems necessary to fulfill the intention of the official map.

3. The Township Secretary or designee shall maintain a log containing the following information:

    A. The title of the Plan.

    B. The name of the owner and developer of the plan.

    C. The name of the surveyor or engineer preparing the plan.

    D. The name, address, telephone number and relationship to the owner or developer of the plan of the person filing the Plan, or individual to be contacted regarding the plan.

    E. The date, time and place of the filing.

    F. Tax parcel numbers.

    G. Amount of filing fee received and check number. Subject to Section 316 herein.

    H. Description of materials received.

    I. Date that plan is submitted to the York County Planning Commission for review.

4. All plans shall be stamped by the Township Secretary or designee with the time and date they are received.

**Section 306 <u>Acceptance of Plans</u>**

The Township Secretary or designee, within seven (7) days from the date of submission of an application, shall determine if the application is complete in accordance with Section 305. This determination shall not constitute approval or disapproval of the plan and application but is rather a determination of administrative completeness. If the application is found to be incomplete, the Township Secretary or designee shall notify the applicant, in writing, that the submitted application is incomplete and does not constitute a formal application and shall note the deficiencies. The formal review period as specified by Section 310 of this Article and Section 508 of the Pennsylvania Municipalities Planning Code shall not begin until an administratively complete application has been received by the Township.

**Section 307 <u>Referral of Plans</u>**

1. The Township Secretary or designee shall transmit one (l) copy of each plan and all accompanying reports to the Shrewsbury Township Planning Commission for their review and recommendation.

2. The applicant has the responsibility to transmit one (1) copy of each plan and all accompanying reports to York County Planning Commission, Township Engineer and Codes Enforcement Officer on the same date for their review and recommendation.

3. The comments from the Township Engineer, York County Planning Commission, and the Codes Enforcement Officer shall be forwarded to the Township Planning Commission and Board of Supervisors. After its review, the Township Planning Commission shall submit their recommendations to the Board of Supervisors.

4. During the course of the Township Planning Commission's review of the preliminary plan and prior to any action by the Board of Supervisors within the required ninety (90) day review period, the preliminary plan may be revised by the applicant.

   A. The required number of copies of the revised plan shall be submitted which shall note the dates of any and all revisions and a summary of the nature thereof.

      (1) One copy of the submitted revised plan shall be color coded to identify the revisions.

   B. If the Township determines that the revisions are substantial in nature, the plan will not be accepted as a revised plan unless the applicant signs a statement stipulating that a new 90-day time period shall commence from the date of the Planning Commission's meeting next following the filing of the revised preliminary plan.

      (1) If the applicant fails to sign the aforesaid statement, the revised submission shall be considered as a new submission requiring compliance with Section 305.1 and 2 of this Article.

      (2) Or, in the alternative, the applicant shall sign a statement granting an extension of time for a lesser period to be concurred with by the Planning Commission.

   C. The additional reviews required for revised plans may require the payment of additional fees by the applicant.

5. The applicant shall submit additional copies of all plans and reports to the York County Conservation District, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection as required by the proposed subdivision and/or land development and applicable regulations.

**Section 308 <u>Review of Plans</u>**

All plans and reports shall be reviewed by the Township Planning Commission for compliance with:

1. The standards, requirements, improvements, design, and dedication or reservations required by this Ordinance.

2. The Southern York County Regional Comprehensive Plan, as amended and supplemented.

3. The Official Shrewsbury Township Sewage Facilities Plan (Act 537 Plan)

4. Site suitability for the particular type of development proposed.

5. The availability of necessary services and facilities.

6. The Township Zoning Ordinance.

7. The requirements of any other applicable Township Ordinance.

8. Any State Highway, either exiting or proposed by the Pennsylvania Department of Transportation.

**Section 309 <u>Waiver (Modification of Requirements)</u>**

1. Purpose – Where the literal enforcement of the provisions of these regulations will exact an undue hardship upon an applicant, a waiver may be requested of the Board of Supervisors. A waiver is the process to receive a modification of an Ordinance requirement as it applies to a specific application.

2. Standards – A waiver may be approved by Board of Supervisors when the applicant is able to demonstrate that:

    A. The literal enforcement of a requirement of this Ordinance will exact an undue hardship (not solely financial) by reason of a peculiar condition (to the land) that pertains to a specific proposal; and

    B. An alternative standard is equal or better; and

    C. The waiver will not be contrary to the public interest; and

    D. The waiver is consistent with the intent of this Ordinance; and

    E. The waiver is consistent with Section 103 of this Ordinance.

3. Application requirements:

    A. All waiver requests must be completed, in writing, on the waiver application form as available from the Township Secretary.

    B. Waiver requests shall be submitted, in writing, by the applicant to the Township Secretary concurrently with the application for a subdivision and/or land development plan. Two (2) copies of each waiver request shall be submitted. However, if any of this information was submitted with an approved preliminary plan, it need not be submitted with the application for final plan.

4. Distribution – One (l) copy of the waiver request shall be distributed by the Township Secretary to the Township Engineer, Township Zoning Officer, Planning Commission and the Board of Supervisors.

5. Review of a waiver request:

   A. All waiver requests shall first be reviewed by the Township Engineer. If necessary, other Township officials may be requested to review the request. Secondly, the Planning Commission shall review the request.

   B. A review of the waiver request shall determine its conformance with the standards contained in this Ordinance as well as other applicable Ordinances. Review comments shall cite any applicable Ordinances regulations and include any suggestions. The review shall recommend to the Board of Supervisors whether the waiver request be approved or disapproved.

6. Ruling on the waiver:

   A. The Board of Supervisors shall consider and act upon requests for modification at a regularly scheduled meeting of the Board.

   B. A formal hearing shall not be required. However, the applicant or any interested party may request a hearing upon agreement to pay for the public notice and stenographic costs thereof.

   C. At any meeting or hearing, the applicant or his representative shall present evidence in support of the request.

   D. The Board of Supervisors after hearing said evidence and considering the application, may grant or deny said modifications.

   E. In modifying any requirements, the Board of Supervisors shall record its action and the grounds for the modification of a requirement to the applicant applying for the modification. A note must be placed on the plan stating the modification and date granted.

   F. Whenever a request for a modification requirement is denied, the Board of Supervisors shall record its action for such denial in its minutes.

**Section 310 <u>Approval of Plans by the Board of Supervisors</u>**

1. At a scheduled public meeting, the Board of Supervisors shall render its decision on the Plan, whether Preliminary or Final, and communicate its decision in writing to the applicant not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Commission next following the date the application is filed, as established by the Municipalities Planning Code, as amended.

A. Final plan approval shall not be granted until such improvements as required by this Ordinance and shown on such final plan has been completed or guarantee posted as required in Section 313 of this Article.

B. The Board of Supervisors may approve the Plan, whether Preliminary or Final, in whole or in part, or subject the plan to modifications or conditions, or may disapprove the plan. The decision of the Board of Township Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (l5) days following the decision.

(1) If the plan is approved by the Board of Supervisors subject to modifications or conditions, the applicant shall either personally or in writing approve or reject such modifications or conditions within five (5) days of receiving notice of such modifications or conditions. For purposes of this paragraph, notice to an individual presenting the plan on behalf of the applicant whether such individual be the applicant himself, a relative of the applicant, an officer of the applicant, an attorney, a surveyor, an engineer or otherwise, shall be notice to the applicant and such person presenting the plan on behalf of the applicant shall be deemed to have authority to, on behalf of the applicant, accept or reject such modifications or condition. The failure to accept or reject such modifications or conditions within the five (5) day period shall be considered to be a rejection of the same and the conditional approval by the Board of Supervisors shall be revoked and the applicant shall be notified in writing within ten (l0) days following the expiration of the five (5) day period of the plan rejection.

(2) When the plan is not approved in terms as filed or subject to modifications or conditions approved by the applicant, the decision shall specify the defects found in the plan and describe the requirements which have not been met and shall cite the provisions of these regulations relied upon.

(3) Failure of the Board of Supervisors to render a decision and communicated it to the applicant within the time and in the manner required herein shall be deemed as approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation or communication of the decision, in which case, failure to meet the extended time or change in manner of presentation or communication shall have the like effect.

(4) Before acting on any subdivision, whether Preliminary or Final, the Board of Supervisors and/or the Planning commission may hold a public meeting thereon after public notice.

**Section 311 <u>Changes in the Ordinance or Plan and Affect on Plan Approval</u>**

1. From the time a Plan, whether Preliminary or Final, is submitted as provided in this Ordinance and while such plan is pending approval or disapproval, no change or amendment

of the Zoning, Subdivision and Land Development or other Township Ordinances or Plans shall affect the decision on such plan aversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Township Ordinances or Plans as they stood at the time the application was duly submitted. In addition, when a preliminary plan has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary plan as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

2. When an application for approval of a plan, whether Preliminary or Final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five year (5) period shall be extended for the duration of litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five year (5) period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing or a preliminary application.

3. Where final approval is preceded by preliminary approval, the aforesaid five year (5) period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in 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.

4. Where the landowner has substantially completed the required improvements as depicted upon the final plan within the aforesaid five year (5) limit, or any extension thereof as may be granted by the governing body, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.

5. In the case of a preliminary plan calling for the installation of improvements beyond the five year (5) period, a schedule shall be filed by the landowner with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.

6. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with landowner's aforesaid schedule of submission of final plans for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plan within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five year (5) period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

7. Failure of landowner to adhere to the aforesaid schedule of submission of final plans for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the Township subsequent to the date of the initial preliminary plan submission.

**Section 312 <u>Expiration of Plan Approval</u>**

Plan approval shall expire upon the passage of five (5) years after grant of such approval. Where final plan approval is preceded by preliminary plan approval, the aforesaid five (5) year period shall be counted from the date of preliminary plan approval.

**Section 313 <u>Effect of Preliminary Plan Approval</u>**

1. Approval of the preliminary plan by the Board of Supervisors constitutes conditional approval of the development as to the character and intensity of development, the general layout, and the approximate dimensions of streets, lots, and other planned features. This approval binds the subdivider to the general scheme shown on the Preliminary Plan and any conditions imposed by the Board of Supervisors and agreement by the subdivider of such conditions. The Board of Supervisors shall not sign the plan until all such conditions have been complied with.

2. Approval of the preliminary plan shall not constitute approval of the Final Subdivision Plan nor does it authorize recording, on the Preliminary Plan, the sale of any lots, or agreement to sell lots; however, such approval does authorize the subdivider to proceed with the preparation of the Final Plan, installation and/or construction of improvements and posting of a financial security as specified in this Ordinance.

3. Applicant shall accept of reject conditions imposed upon the plan by Board of Supervisors within ten (10) days of meeting at which any such conditions were imposed. If acceptance of conditions by applicant is not received by the Board of Supervisors in writing within required period, the plan shall be deemed denied.

**Section 314 Effect of Final Plan Approval**

1. Approval of the final plan by the Board of Supervisors constitutes final approval of the subdivision as to the character and intensity of development, the layout and the dimensions of streets, lots and other planned features. This approval binds the subdivider to the scheme shown on the final plan.

2. Final plan approval authorizes the subdivider to proceed with the recording of the Final Plan, which must be accomplished before the subdivider can proceed with the sale of any lots or the construction of buildings and structures.

**Section 315 Recording of Final Plan**

1. Upon approval of the Final Plan, the Township shall within ninety (90) days of such final approval record such plan in the office of the Recorder of Deeds of York County.

2. The recording of the final plan shall not constitute grounds for assessment increase until such time as lots are sold or improvements are installed on the land included within the subject plan.

3. No changes, erasures, modifications, or revisions shall be made on the final plan after approval, unless the plan is first resubmitted to the Planning Commission and Township Supervisors for their review and approval.

4. Distribution of copies of the final plan as approved shall be as follows:

    A. Two (2) copies of the plan and one copy of all supporting materials shall be retained for Township Records.

    B. One (1) copy of the plan to the Township Engineer (if includes improvements to be publicly dedicated)

    C. One (1) copy of the plan to the Township Zoning Officer.

    D. One (1) copy of the plan to the developer/owner.

**Section 316 Fees**

1. At the time of filing a Preliminary or Final Plan, the subdivider or developer shall pay to the Township such fees as may be established by Resolution of the Board of Supervisors.

2. No final plan shall be approved until all fees and charges required by such Resolution have been paid in full; and until any or all unpaid fees incurred in connection with previously submitted subdivision or land development plans for any land included with the proposed subdivision or land development whether or not such plans were submitted by the person,

owner of such land, have been paid in full. All disputes over fees will be handled in accordance with the Municipalities Planning Code.

**Section 317 Duties of Subdivider or Developer**

It shall be the duty of the subdivider or developer to provide each purchaser of a lot in a subdivision with a copy of the final subdivision plan including a copy of all supporting data, including but not limited to a copy of the storm drainage plan, a copy of the sediment control plan, and a copy of the street profile plan.

**Section 318 Improvements**

The final responsibility for the installation of the improvements required by this Ordinance shall lie with the Developer. Upon installation of these improvements by the Developer and subsequent inspection by the Township Engineer, the Developer shall take final steps to dedicate these improvements and have them accepted by Shrewsbury Township.

**Section 319 Effect of Recording**

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

    A. Dedicate all streets and other public ways to public use.

    B. Dedicate all neighborhood parks and other public areas to public use.

    C. Reserve for possible future public acquisition such additional areas as may be required by the Township.

**Section 320 Effect of Offers of Dedication**

The offer to dedicate streets, parks, or other areas or portions of them, does not impose any duty upon the Township concerning maintenance or improvement until the proper authorities of the Township have made actual appropriation by ordinance or resolution or by entry or improvement. If land is dedicated for a public site and its use for this purpose is not imminent, the Developer may be permitted to dedicate the land with the privilege of using the surface rights until the Township is ready to use the land. Such dedication with the temporary privilege of use must be noted on the final plan.

**Section 321 Effect of Land Reservation**

On sites reserved for eventual public acquisition, no building development is permitted during the period of reservation. The Township may require the reservation of such sites in addition to or in lieu of land to be dedicated for public use. The reservation period must not be longer than 12 months unless with the consent of the Developer. Land so reserved must be indicated on the final plan.

**Section 322 <u>Dedication of Local Recreation and Other Public Sites</u>**

1. Where a proposed park, playground, open space, trail, greenways or other local or neighborhood recreation site in the Parks and Recreation Chapter of the Southern York County Regional Comprehensive Plan, as amended, the Township may require the dedication of all or a portion of such site in accordance with the standards following:

    A. The amount of land so required for this purpose shall be three hundredths (0.03) of an acre per dwelling unit of the proposed development.

    B. The recreation site shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each recreation site shall have at least one (1) area available for vehicular access that is not less than twenty-four (24) feet in width (road frontage).

    C. The recreation site shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate ball fields, courts and other open play areas according to National Recreation and Park Association (NRPA) standards. Furthermore, should a development be proposed at a location contiguous to an existing park, parklands should be provided, where practical, as an expansion of the existing facility.

    D. The required dedication site shall have suitable topography and soil conditions for use and development as active play areas and shall, after grading by the developer, not contain slopes exceeding three (3%) percent.

    E. The recreation site shall not be comprised of Critical Environmental Areas or storm water management facilities. Any unimproved site or areas that have been graded or disturbed-shall be landscaped with no less than eighteen (18) inches of subsoil and nine (9) inches of top soil.

    F. No part of any overhead utility easement, or any above ground protrusion of an underground utility should be permitted in active play areas of the site.

2. Where the application of these standards would result in an open space or recreation site too small to be useable, or if the comprehensive plan calls for such local recreation site to be located elsewhere, or if a suitable local recreation site cannot be located in the land development or subdivision as determined by the Township Supervisors, a payment of $2,500 for each proposed dwelling unit or residential lot in lieu of dedication of such land is required. The following procedures with regards to payment of such fee to the Township prior to the approval of the final plan must be followed:

    A. The land or fees, or combination thereof, are to be used only for the purpose of providing park or recreational facilities accessible to the development.

B. The fee upon its receipt by the Township shall be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.

C. Upon request of any person who paid any fee under this section, the Township shall refund such fee, plus interests accumulated thereon from the date of payment, if the Township had failed to utilize the fee paid for the purpose set forth in this section within three (3) years from the date such fee was paid.

3. In lieu of requiring the dedication of a recreation or park site, or a fee for this purpose, the Board of Supervisors may permit a private site to be used if:

A. In its judgment the purposes of these regulations regarding recreation and park sites will be accomplished; and

B. The private site is permanently devoted to recreation and park use and adequately secured for such use by deed covenants or other private restrictions.

**Section 323 <u>Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval</u>**

1. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by this ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as my be required by this ordinance have been installed in accordance with the ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required pursuant to subsection (i) or this section. Financial security shall be in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to: roads, storm water detention and/or retention basins, and other related drainage facilities, recreational facilities (including but no limited to trails and pedestrian facilities) open space improvements or buffer or screen plantings which may be required. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a Highway Occupancy Permit pursuant to Section 420 of the Act of June l, l945 (P.L. 1242, No. 428) known as the "State Highway Law".

2. When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be

revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Board of Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

3. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

4. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, providing said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

5. Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

6. The amount of the financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110%) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of 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 ($90^{th}$) day after either the original date scheduled for completion of a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten (110%) percent. Any additional security shall be posted by the developer in accordance with this subsection.

7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant of developer and prepared by an Engineer licensed as such in this Commonwealth and certified be such engineer to be fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and re-certified by another Engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third ($3^{rd}$) Engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third ($3^{rd}$) Engineer is so chosen, fees for the services of said Engineer shall be paid equally by the Township and the applicant or developer.

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

9. In the case where development is projected over a period of years, the Board of Supervisors or the Planning Commission may authorize submission of final plans by section or stages of development subject to such development as it finds essential for the protection of any finally approved section of the development.

10. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the governing body, and the governing body shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification the Board of Supervisors shall authorize release by the bonding company of lending institution of any amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the governing body fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may prior to final release at the completion and certification by the Township Engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements.

11. At such a time as ninety (90) percent of the lots in the subdivision have been improved as set forth above, or in at the expiration of three (3) years from the date all of the improvements excepting the surface course have been completed, less than ninety (90) percent of the lots have been so improved, the Township shall notify the subdivider or developer to complete the surface course within sixty (60) day requirement, the period from October 1 to April 1 shall not be counted.

    If at the time the surface course is completed, ninety (90) percent of the lots are not improved as set forth above, the subdivider or developer must:

    A. Post with the Township a cash bond in an amount equal to fifteen (15) percent of the reasonable cost of the surface course as security to guarantee that damages to the road or street would not occur during the completion of the improvements on the unimproved lots in such subdivider's or developer's subdivision. The Township shall hold such cash bond and utilize it to pay for the repair of any damage occurring to the road during the period between the commencement of improvements on any particular unimproved lot and the completion of such improvement irrespective of whether or not it can be established that the damage to the road was caused by

contractors or other persons working in and about the construction of such improvements; or

B. Present to the Township agreements signed by the owners of all of such unimproved lots pursuant to which they will agree to pay to the Township the cost of repairing any damage occurring to roads in such subdivision during the period between the commencement of work on improvements to their lot and the completion of such improvements irrespective of whether or not it can be established that such damage was caused by contractors or other persons involved in the improvement of their respective lot.

Irrespective of the provisions of this section, the subdivider or developer must within the sixty days next following the sale of a lot, or the issuance of a building permit to permit construction on such lot, whichever first occurs:

(1) Complete the pavement base of the streets shown on the final plan as providing the lot access to a public street or road (if the plan provides more than one means of access to the lot in question, only one such means of access is required to be improved pursuant to this section).

(2) Complete all storm water management facilities which are intended by the final plan to handle the storm water runoff from the lot.

12. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

13. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

14. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of the plan as set forth in this section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted upon the approved final plan. Moreover, if said financial security has been provided, occupancy permits for any

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

**Section 324 <u>Release from Improvement Bond</u>**

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail if posted or hand delivered, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the foresaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved of shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

2. All improvements shall not be considered complete until the measures taken in compliance with applicable sections of Articles 500, 600 and 700 of this Ordinance, as well as measures taken to control erosion are in fact sufficient to prevent erosion of banks and drainage ways.

3. The Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified or registered mail of the action of said Board of Supervisors with relation thereto.

4. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvement will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance bond or other security agreement.

5. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outline herein, shall be followed.

6. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.

7. Where herein reference is made to the Township Engineer, he shall be a duly registered professional engineer employed by the Township or engaged as a consultant thereto.

8. The subdivider or developer shall maintain all streets in the subdivision or development in travelable condition including the prompt removal of snow there from, until such time as the streets are accepted by the Township as a part of the Township highway system.

9. The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement will be based upon a schedule established by resolution.

**Section 325 <u>Remedies to Effect Completion of Improvements</u>**

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

# ARTICLE 400

## PLAN REQUIREMENTS

### CROSS REFERENCES

Article V, Subdivision and Land Development – Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended

Pennsylvania Department of Environmental Protection

Commonwealth of Pennsylvania Code, Title 67 Transportation, Department of Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads

Shrewsbury Township, Construction and Materials Specifications for Subdivision and Development, as adopted by resolution and amended

Shrewsbury Township Zoning Ordinance, as amended

**Section 401 General**

Whenever any subdivision of land or development of land is proposed to be made, and before any contract for the sale of, or any offer to sell any lots in such subdivision or any part thereof is made, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the developer shall apply in writing for approval of such proposed subdivision and/or land development in accordance with the following procedures.

**Section 402 Sketch Plans *(optional submission)***

A sketch plan is a recommended optional submission. This is a pre-submission opportunity to review and discuss the plan informally before a preliminary plan is prepared and officially submitted. Residents are encouraged to utilize this service, provided by the Township; residents are not required to enlist the services of a professional engineer, landscape architect, or surveyor in order to provide the information typically submitted during the review of a sketch plan by the Township's Planning Commission. The sketch plan should at a minimum include the following information:

1. General Requirements:

    A. Proposed subdivision name or identifying title. Example: *Smith Plan, Pleasant Acres*, etc.

    B. Name and address of all owners, equitable owners and developers.

    C. Zoning district.

D. A location map with sufficient information to enable township officials to locate the parcel. *Residents may wish to use street maps or atlases, USGS topographic maps, tax maps, etc. A local street map or atlas, Shrewsbury Township tax maps, and USGS topographic maps are available for public review at the Shrewsbury Township Municipal Building.*

E. North arrow.

F. Plan date.

G. Approximate tract boundaries *Residents may wish to use copies of a previous survey plan or a tax map*. Shrewsbury Township tax maps are available for public review at the Shrewsbury Township Municipal Building.

H. Approximate locations of all proposed streets, lots, playgrounds/parks, public areas/buildings, driveways and parcels of land to be dedicated for public use. *Residents may wish to sketch the proposed improvements on a plan depicting the tract boundaries.*

2. Recommended Information; the following information is recommended but not required for plan submittal.

A. Contours. *Residents may wish to provide contour information. USGS topographic maps are available for public review at the Shrewsbury Township Municipal Building.*

B. Soils. Residents may wish to provide soil classifications. A copy of the York County Soils Survey is *available for public review at the Shrewsbury Township Municipal Building.*

C. Photographs. *Residents are encouraged to submit photographs of the parcel.*

D. The location of all existing improvements, including but not limited to: streets, structures, public and private utilities, wells, sewage disposal systems, storm water improvements culverts, bridges, parks, playgrounds and other significant man made features.

E. The location of all existing natural features, including but not limited to: watercourses, wetlands, tree masses, rock outcrops, steep slopes, croplands, and pasture.

F. Lot numbers for each proposed lot; all lots shall be numbered consecutively (Example: 1, 2, 3, 4, 5).

G. If in the Agricultural District, the number and location of lots subdivided from the property since November 10, 1976, the areas of productive agricultural land, and the

areas of wooded land. *For a fee, residents may obtain an official determination on the number of development rights remaining with their parcel by completing the application form available at the Shrewsbury Township Municipal Building.*

**Section 403 <u>Preliminary Subdivision and Land Development – Plan Requirements</u>**

Preliminary Subdivision and Land Development plans shall be prepared by a professional engineer, land surveyor or registered landscape architect licensed by the Commonwealth of Pennsylvania. Only a professional land surveyor may practice surveying and set monuments and corner markers. The preliminary plan shall include the following information:

1. General Requirements

   A. Proposed subdivision/land development name or identifying title.

   B. Name and address of all owners, equitable owners, authorized agent and developers.

   C. Notarized signatures of all owners, equitable owners, authorized agent and developers.

   D. Name and address of the licensed professional preparing the plan.

   E. Seal and signature of the licensed professional preparing the plan.

   F. A location map, at a scale not less than two thousand (2,000) feet to the inch, showing the proposed development and adjoining areas. Such map shall show sufficient information to enable Township official to locate the proposed subdivision.

   G. Municipality in which the subdivision is located.

   H. Plan is to be oriented so the top of the plan is approximately due north.

   I. North arrow indicating true and/or magnetic north.

   J. Drawn to a scale of at least 1” = 100’.

   K. Graphic scale.

   L. Plan date.

   M. Revision block, all revisions shall be noted and dated.

   N. The tax map and parcel number of the tract or tracts being subdivided or developed.

O. The tax map and parcel identification number of each adjoining tract or parcel.

P. A parcel history of all development rights assigned to the parcel as it existed on November 10, 1976, as applicable; a sample history is available in the appendix.

Q. A note shall be placed on the plan specifying which lot or lots shall carry with them the right to erect or place any unused allocation of development rights, as applicable.

R. Uniform Parcel Identification Chart

S. Tables of site data including but not limited to total tract acreage, area of existing and proposed lots, minimum lot size, lot width, minimum setback, maximum lot coverage, maximum building height, water supply, sewer disposal, existing and proposed zoning, existing and proposed use(s), etc.

T. A signature block for approval of five (5) members of the Board of Supervisors, including date.

U. A signature block for review of five (5) members of the Township Planning Commission, including date.

V. A signature block for review of the Township Engineer, Code Enforcement Officer, and Sewage Enforcement Officer including date.

W. A signature block for review of the York County Planning Commission, including date.

X. A note shall be conspicuously placed on the title sheet outlining all variances and special exceptions granted pursuant the Township Zoning Ordinance with any required conditions, including dates.

Y. A note shall be conspicuously located on the title sheet outlining all waivers requested, including ordinance section, and date of approval by the Board.

Z. Offers of dedication and reservation.

AA. Deed restrictions and/or protective covenants. In the event that no deed restrictions/or protective covenants are proposed, a note shall be conspicuously placed on the plan indicating such.

BB. The title sheet shall contain in a conspicuous form the notes required by Section 510.4 of this Ordinance, except that in the event that the proposed residential lots are less than 20,000 square feet or there is proposed a residential density of less than 20,000 square feet per dwelling unit or if commercial or industrial development is proposed, the title sheet shall set forth in conspicuous form the

"woodland retention requirements" as set forth in Section 510.2.A of this Ordinance.

CC. Consistent with the requirements of Section 510.1.A of this Ordinance, each proposed lot containing more than 20,000 square feet shall contain a large frame insert as follows: "*Tree removal shall not exceed fourteen thousand (14,000) square feet – See notes below.*"

DD. Pennsylvania One Call serial number

EE. All plans shall identify the location and nature of Critical Environmental Areas as defined by Article 13 of the Shrewsbury Township Zoning Ordinance

FF. Consistent with the requirements of Section 612 of this Ordinance, the plan shall include a note stating, "Enough topsoil shall be spread at the site to provide a minimum of nine (9) inches of topsoil throughout the vegetated areas of the site."

2. Existing Conditions Requirements

A. Tract boundaries including bearings and distances.

B. Lines of all lots, parcels or tracts included within the subdivision, including those not presently owned by the subdivider, but on November 10, 1976, owned by the same landowner as the tract being subdivided for all parcels located within the Agricultural district.

C. All dimensions shall be shown in feet and hundredths of a foot.

D. Contours at vertical intervals of five (5) feet or in case of relatively level tracts, at such lesser intervals as may be necessary for satisfactory study and planning of the tract.

E. Datum to which contour elevations refer shall be National Geodetic Survey datum.

F. The location of all existing improvements, including but not limited to: streets (including names, cartway width, and right-of-way width), buildings and structures, public and private utilities, wells, sewage disposal systems, storm water improvements, culverts, bridges, parks, playgrounds and other significant man made features.

G. The location of all existing natural features, including but not limited to: watercourses, tree masses, individual trees ten (10) inches and greater diameter at breast height (DBH), rock outcrops, Critical Environmental Areas.

H. All existing property lines, easements, and rights-of-way.

I. Names of all adjacent subdivisions and the names of the property owners of adjacent undivided tracts, the zoning classification, use, and tax map and parcel number.

J. Where the subdivision or land development lies partially or completely with the areas identified as being subject to the one hundred (100) year flood in the most current Flood Insurance Study prepared for Shrewsbury Township by the Federal Insurance Administration, or where such activities border on such area, the preliminary plan shall include the following information:

(1) The location and elevation of proposed streets, utilities, structures, fill areas and erosion protection facilities.

(2) The one hundred (100) year flood elevation.

(3) Areas subject to deed restrictions.

In the event no floodplains exist on the parcel, a note shall be conspicuously placed on the plan indicating such.

K. Where the subdivision or land development lies partially or completely within the areas identified by the U.S. Army Corps of Engineers, U.S. Department of Agriculture, Natural Resources Conservation Service, the 2002 or most recent USDA Soil Survey of York County, Pennsylvania or other qualified professional, as containing wetlands or where such activities border on such area, the preliminary plan shall include the following information.

(1) The location and elevation of proposed streets, utilities, structures, fill areas and erosion protection facilities.

(2) The one hundred (100) year flood elevation.

(3) Any areas subject to deed restrictions.

In the event no wetlands exist on the parcel, a note shall be conspicuously placed on the plan indicating such.

3. Proposed Conditions Requirements

A. Locations of all proposed streets (including names, length, cartway widths and right-of-way widths), proposed lot lines, setback lines, playgrounds/parks, public areas/building and parcels of land to be dedicated for public use.

B. Bearings and distances of all lines of each lot and of each area proposed to be dedicated to public use.

C. The location and design of all driveways located on corner lots and driveways on other lots as requested by the Board of Supervisors. Such access driveways shall demonstrate the existence of reasonable access to the property and shall not be designed so as to unreasonably erode the private or public road. The design shall demonstrate compliance with Article 500 of this ordinance and the Construction and Materials Specification for Subdivision and Land Development for Shrewsbury Township as amended.

D. If access is provided by a street maintained by the Commonwealth of Pennsylvania, the owner shall supply proof that a Highway Occupancy Permit has been issued to permit a driveway to be constructed at the proposed location, OR certification from an Engineer, that consistent with the regulations of the Commonwealth of Pennsylvania, Department of Transportation, certifying that a permit can be obtained to permit the driveway as shown on the plan.

E. Clear sight triangles.

F. Location of the soil percolation tests and core borings when such tests are required, including all test locations necessary to create a sewage reserve area.

G. The phases, if any, to be followed in the development of public improvements in the proposed development.

H. Lot numbers for each proposed lot; all lots shall be numbered consecutively.

4. Required Drawings

A. Typical cross sections and centerline profiles for each proposed street showing existing and proposed grades and, in addition, typical cross-section and centerline profiles for each driveway where slope of the undisturbed land exceeds eight (8) percent, as well as for other driveways where the Board of Supervisors requires such cross-sections and centerline profiles because of lengthy slopes, proposed cuts or fills, or other reason which may indicate the need for storm water review.

B. The lengths of all straight lines, radii, tangent bearings, and curve data for all proposed streets.

C. Profiles for all sanitary sewer improvements, including type, size and location.

D. Drawings for any new bridges or culverts proposed.

E. Drawings of all present and proposed grades and facilities for storm water management, including type, size and location. There shall be included such information as is necessary to establish to the satisfaction of the Township Engineer that the proposed storm water management facilities will be in compliance with provisions of this Ordinance and Construction and Materials Specifications Manual.

F. Landscaping Plans pursuant with Article 700 of this Ordinance.

G. Lighting Plans.

H. Erosion and Sedimentation Control Plans (E&S) and applicable NPDES Permit which has been reviewed and approved by the York County Conservation District (YCCD), as required. The subdivider must pay all fees required by the York County Conservation District in order to secure such review and approval of the applicable permit. The following guidelines are applicable for development:

(1) E&S plans shall be required for all earth disturbances.

(2) E&S plans, approved by the YCCD, shall be required for all earth disturbances in excess of one (1) acres of total disturbed per site.

(3) NPDES General Permits shall be required for sites disturbing between one (1) and five (5) acres with a point source discharge to surface waters of the Commonwealth; OR for sites disturbing greater than five (5) areas.

(4) NPDES Individual Permits shall be required for sites disturbing greater than five (5) acres, in high quality or exceptional value waters.

5. Required Reports & Documentation

A. Application for Subdivision and Land Development subject to Section 305 of this Ordinance (available from the Township Office).

B. Review comments from the York County Planning Commission; the subdivider must pay all fees required by the York County Planning Commission in order to secure such review and review comments.

C. A feasibility study for the water facilities for the parcel meeting the requirements of Section 514 of the Ordinance.

D. If applicable, a report prepared by the Fire Chief with respect to the location and water pressure of existing fire hydrants and the location and design of proposed fire hydrants and the review of any other fire safety issues related to the proposed plan.

E. A feasibility study for sanitary sewer facilities for the tract meeting the requirements of Section 515 of the Ordinance.

F. Certification that the proposed method of sewage disposal has been approved by the Pennsylvania Department of Environmental Protection.

G. If the subdivision/land development is planned to be served by public sanitary sewer, proof of ownership of sufficient capacity in a public sanitary sewer system to provide for the needs of the subdivision/development.

H. If connection to an existing public sanitary sewer system is proposed, the subdivider shall submit an agreement committing the public sanitary sewer system to accept and treat all sewage that will be generated by the proposed subdivision for such period of time and under such terms and conditions as the public sanitary sewer system accepts and treats sewage emanating from elsewhere in the service area. All tapping fees must be paid prior to final subdivision approval.

I. Traffic impact assessment which meets the requirements of Section 622 of this Ordinance.

J. Environmental impact assessment for the proposed subdivision and/or land development if Critical Environmental Areas (CEA) are present. The report must provide assessment of impact on CEA, if present and will plan to avoid or minimize such impacts to the satisfaction of the Township.

K. In the case of proposed residential subdivisions consisting of more than five (5) proposed dwelling units or any non-residential subdivision or land development, the following additional data shall be submitted:

(1) Preliminary architectural plans depicting typical architectural elevations and types.

(2) Landscaping plans pursuant Article 700 of this Ordinance.

(3) The proposed locations of all buildings, structures, and parking areas. Consistency with the Township Zoning Ordinance shall be required.

6. An agreement that the subdivider/developer will install all utilities underground and prior to the construction of streets and sidewalks in accordance with Section 521 of this Ordinance.

**Section 404 <u>Final Subdivision and Land Development – Plan Requirements</u>**

Final Subdivision and Land Development plans shall be prepared by an professional engineer, land surveyor or registered landscape architect licensed by the Commonwealth of Pennsylvania. Only a professional land surveyor may practice surveying and set monuments and corner markers. The Final Subdivision Plan shall include the following information:

1. General Requirements

A. Proposed subdivision/land development name or identifying title.

B. Name and address of all owners, equitable owners, authorized agent, and developers.

C. Notarized signatures of all owners, equitable owners, authorized agent, and developers.

D. Name and address of the licensed professional preparing the plan.

E. Seal and signature of the licensed professional preparing the plan.

F. A location map, at a scale not less than two thousand (2,000) feet to the inch, showing the proposed development and adjoining areas. Such map shall show sufficient information to enable Township official to locate the proposed subdivision.

G. Municipality in which the subdivision is located.

H. Plan is to be oriented so the top of the plan is approximately due north.

I. North arrow indicating true and/or magnetic north.

J. Drawn to a scale of at least 1" = 100'.

K. Graphic scale.

L. Plan date.

M. Revision block, all revisions shall be noted and dated.

N. The tax map and parcel identification number of the tract or tracts being subdivided or developed.

O. The tax map and parcel identification number of each adjoining tract or parcel.

P. A parcel history of all development rights assigned to the parcel as it existed on November 10, 1976, as applicable; a sample history is available in the appendix.

Q. A note shall be placed on the plan specifying which lot or lots shall carry with them the right to erect or place any unused allocation of development rights.

R. Uniform Parcel Identification Chart.

S. Tables of site data including but not limited to total tract acreage, area of existing and proposed lots, minimum lot size, lot width, minimum setback, maximum lot coverage, maximum building height, water supply, sewer disposal, existing and proposed zoning, existing and proposed use(s), etc.

T. A signature block for approval of five (5) members of the Board of Supervisors, including date.

U. A signature block for review of five (5) members of the Township Planning Commission, including date.

V. A signature block for review of the Township Engineer, Code Enforcement Officer, and Sewage Enforcement Officer, including date.

W. A signature block for review of the York County Planning Commission, including date.

X. A note shall be conspicuously placed on the title sheet outlining all variances and special exceptions granted pursuant the Township Zoning Ordinance with any required conditions, including dates.

Y. A note shall be conspicuously located on the title sheet outlining all waivers requested, including ordinance section, and date of approval by the Board.

Z. Offers of dedication and reservation.

AA. Deed restrictions and/or protective covenants. In the event that no deed restrictions/or protective covenants are proposed, a note shall be conspicuously placed on the plan indicating such.

BB. The title sheet shall contain in a conspicuous form the notes required by Section 510.4 of this Ordinance, except that in the event that the proposed residential lots are less than 20,000 square feet or there is proposed a residential density of less than 20,000 square feet per dwelling unit or if commercial or industrial development is proposed, the title sheet shall set forth in conspicuous form the "woodland retention requirements" as set forth in Section 510.2.A of this Ordinance.

CC. Consistent with the requirements of Section 510.1.A of this Ordinance, each proposed lot containing more than 20,000 square feet shall contain a large frame insert as follows: "*Tree removal shall not exceed fourteen thousand (14,000) square feet – See notes below*."

DD. Each final plan proposing residential development or residential uses within the Agricultural District must contain in conspicuous form the following language: "*Warning: The dwelling lot or lots proposed by this subdivision plan are in the Agricultural District. The primary use of such district is agricultural and residents must expect things such as the smell of farm animals and the manure they produce, toxic chemical sprays, slow-moving agricultural machinery on local roads and other by-products of agricultural activity*."

EE. Each plan must contain in conspicuous form the following language: "*Shrewsbury Township, the Shrewsbury Township Board of Supervisors, and the Shrewsbury Township Planning Commission do not warrant and are not responsible for the*

*accuracy of the proposed lines set forth upon this subdivision plan nor do they warrant the title to the property set forth upon such plan. Rather, they rely upon the representations made by the subdivider, land developer, engineer, and surveyor who have prepared the plan*."

FF. Pennsylvania One Call serial number

GG. All plans shall identify the location and nature of Critical Environmental Areas as defined by Article 10 of the Shrewsbury Township Zoning Ordinance

HH. Consistent with the requirements of Section 612 of this Ordinance, the plan shall include a note stating, "Enough topsoil shall be spread at the site to provide a minimum of nine (9) inches of topsoil throughout the vegetated areas of the site."

2. Existing Conditions Requirements

A. Tract boundaries including bearings and distances.

B. Lines of all lots, parcels or tracts included within the subdivision, including those not presently owned by the subdivider, but on November 10, 1976, owned by the same landowner as the tract being subdivided for all parcels located within the Agricultural district.

C. All dimensions shall be shown in feet and hundredths of a foot.

D. Contours at vertical intervals of five (5) feet or in case of relatively level tracts, at such lesser intervals as may be necessary for satisfactory study and planning of the tract.

E. Datum to which contour elevations refer shall be National Geodetic Survey datum.

F. The location of all existing improvements, including but not limited to: streets (including names, cartway width, and right-of-way width), buildings and structures, public and private utilities, wells, sewage disposal systems, storm water improvements, culverts, bridges, parks, playgrounds and other significant man made features.

G. The location of all existing natural features, including but not limited to: watercourses, tree masses, individual trees ten (10) inches and greater diameter at breast height (DBH), rock outcrops, critical environmental areas.

H. All existing property lines, easements, and rights-of-way.

I. Names of all adjacent subdivisions and the names of the property owners of adjacent undivided tracts, the zoning classification, use, and tax map and parcel number.

J. Where the subdivision or land development lies partially or completely with the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Shrewsbury Township by the Federal Insurance Administration in March 1981, or where such activities border on such area, the plan shall include the following information:

(1) The location and elevation of proposed streets, utilities, structures, fill areas and erosion protection facilities.

(2) The one hundred (100) year flood elevation.

(3) Areas subject to deed restrictions.

In the event no floodplains exist on the parcel, a note shall be conspicuously placed on the plan indicating such.

K. Where the subdivision or land development lies partially or completely within the areas identified by the Army Corps of Engineers, U.S. Department of Agriculture, Natural Resources Conservation Service, the 2002 USDA Soil Survey of York County, Pennsylvania, or other qualified professional containing wetlands or where such activities border on such area, the preliminary plan shall include the following information.

(1) The location and elevation of proposed streets, utilities, structures, fill areas and erosion protection facilities.

(2) The one hundred (100) year flood elevation.

(3) Any areas subject to deed restrictions.

In the event no wetlands exist on the parcel, a note shall be conspicuously placed on the plan indicating such.

3. Proposed Conditions Requirements

A. Locations of all proposed streets (including names, length, cartway widths and right-of-way widths), proposed lot lines drawn to the center of the road, setback lines, playgrounds/parks, public areas/building and parcels of land to be dedicated for public use.

B. Bearings and distances of all lines of each lot and of each area proposed to be dedicated to public use.

C. The location and design of all driveways located on corner lots and driveways on other lots as requested by the Board of Supervisors. Such access driveways shall demonstrate the existence of reasonable access to the property and shall not be

designed so as to unreasonably erode the private or public road. The design shall demonstrate compliance with Article 500 of this ordinance and the Construction and Materials Specification for Subdivision and Land Development for Shrewsbury Township as amended

D. If access is provided by a street maintained by the Commonwealth of Pennsylvania, the owner shall supply proof that a Highway Occupancy Permit has been issued to permit a driveway to be constructed at the proposed location

E. Clear sight triangles.

F. Location of all monuments indicating the boundaries of the parcel being subdivided.

G. Location of all markers indicating the boundaries of all lots.

H. Location of the soil percolation tests and core borings when such tests are required, including all test locations necessary to create a sewerage reserve area.

I. The phases, if any, to be followed in the development of public improvements in the proposed development.

J. Lot numbers for each proposed lot; all lots shall be numbered consecutively.

K. Street addresses shall be assigned by Shrewsbury Township and shall appear on the plan.

4. Required Drawings

A. Typical cross sections and centerline profiles for each proposed street showing existing and proposed grades and, in addition, typical cross-section and centerline profiles for each driveway where slope of the undisturbed land exceeds eight (8) percent, as well as for other driveways where the Board of Supervisors requires such cross-sections and centerline profiles because of lengthy slopes, proposed cuts or fills, or other reason which may indicate the need for storm water review.

B. The lengths of all straight lines, radii, tangent bearings, and curve data for all proposed streets.

C. Profiles for all sanitary sewer improvements, including type, size and location.

D. Drawings for any new bridges or culverts proposed.

E. Drawings of all present and proposed grades and facilities for storm water management, including type, size and location. There shall be included such information as is necessary to establish to the satisfaction of the Township Engineer,

that the proposed storm water management facilities will be in compliance with provisions of this Ordinance and Construction and Materials Specifications Manual.

F. Landscaping Plans pursuant Article 900 of this Ordinance.

G. Lighting Plans.

H. Erosion and Sedimentation Control Plans (E&S) and applicable NPDES Permit which has been reviewed and approved by the York County Conservation District (YCCD), as required. The subdivider must pay all fees required by the York County Conservation District in order to secure such review and approval of the applicable permit. The following guidelines are applicable for development:

(1) E&S plans shall be required for all earth disturbances.

(2) E&S plans, approved by the YCCD, shall be required for all earth disturbances in excess of one (1) acres of total disturbed per site.

(3) NPDES General Permits shall be required for sites disturbing between one (1) and five (5) acres with a point source discharge to surface waters of the Commonwealth; OR for sites disturbing greater than five (5) areas.

(4) NPDES Individual Permits shall be required for sites disturbing greater than five (5) acres, in high quality or exceptional value waters.

5. Required Reports & Documentation

A. Application for Subdivision and Land Development subject to Section 305 of this Ordinance (available from the Township Office).

B. Review comments from the York County Planning Commission; the subdivider must pay all fees required by the York County Planning Commission in order to secure such review and review comments.

C. A feasibility study for the water facilities for the tract meeting the requirements of Section 514 of the Ordinance.

D. If applicable, a report prepared by the Fire Chief with respect to the location and water pressure of existing fire hydrants and the location and design of proposed fire hydrants and the review of any other fire safety issues related to the proposed plan.

E. A feasibility study for sewer facilities for the tract meeting the requirements of Section 515 of the Ordinance.

F. Certification that the proposed method of sewage disposal has been approved by the Pennsylvania Department of Environmental Protection.

G. If the subdivision/land development is planned to be served by public sanitary sewer, proof of ownership of sufficient capacity in a public sanitary sewer system to provide for the needs of the subdivision/development.

H. If connection to an existing public sanitary sewer system is proposed, the subdivider shall submit an agreement committing the public sanitary sewer system to accept and treat all sewage that will be generated by the proposed subdivision for such period of time and under such terms and conditions as the public sanitary sewer system accepts and treats sewage emanating from elsewhere in the service area. All tapping fees must be paid prior to final subdivision approval.

I. Traffic impact assessment which meets the requirements of Section 622 of this Ordinance.

J. Environmental impact assessment for the proposed subdivision and/or land development if critical environmental areas (CEA) are present. The report must provide assessment of impact on CEA, if present and will plan to avoid or minimize such impacts.

K. In the case of proposed residential subdivisions consisting more than five (5) proposed dwelling units or any non-residential subdivisions or land development, the following additional data shall be submitted:

(1) Preliminary architectural plans depicting typical architectural elevations and types.

(2) Landscaping plans pursuant to Article 900 of this Ordinance.

(3) Analysis of marketability and proposed price distribution including expected sale prices or initial rentals.

(4) The proposed locations of all buildings, structures, and parking areas. Consistency with the Township Zoning Ordinance shall be required.

(5) An estimated timetable of construction activity.

L. Certification for an Engineer employed by the Township that the developer has installed all improvements to the specifications of this Ordinance and any conditions attached by the Board of Supervisors; or that the developer has posted an improvement bond or other acceptable security in an amount sufficient to assure completion of all required improvements.

M. An agreement that the subdivider/developer will install all utilities underground and prior to the construction of streets and sidewalks subject to Section 521 of this Ordinance.

N. A letter from the YCCD stating that the Erosion and Sedimentation Control Plan has been received and is administratively complete is required.

O. Maintenance of Storm Water Management Facilities – All such facilities shall be owned, operated and maintained by the lot owner or a homeowners' association recognized by the Township. In the event of failure to do so, the Township shall notify the owner, either personally or by certified mail, of the inadequate maintenance and the steps needed to correct the deficiencies. Upon failure of the owner to make the corrective measures within sixty (60) days of the notification by the Township, the Township shall have right of entry onto the facility to carry-out the maintenance found necessary to correct the stated deficiencies. In the event the Township performs such maintenance, the owner of the land where such maintenance is performed shall indemnify and save the Township harmless of any and all claims for damages to persons or property arising from its maintenance activities. In the event such assessments are not paid within thirty (30) days from the date of such note, Township shall have the right, at its sole discretion, to levy assessments against the owner served by the storm water management facility, with no obligation to apportion, in a total amount not to exceed the costs of maintenance together with costs of collection incurred by the Township, giving notice to the owner of such lots intended to be assessed by sending written notices thereof addressed to such owner or owners at the address set forth in the records utilized for the assessment of real estate taxes by certified mail. If such assessments are not paid within thirty (30) days after the sending of such notice, such assessments may be entered as liens against the lot or lots in the Office of the Prothonotary of York County or such other office which may at that time be responsible for maintenance of records of municipal liens and the Township shall have the right to collect such sums in a manner provided by law for the collection of municipal liens. The following note shall be placed on all plans containing privately owned storm water management facilities:

"*All storm water management facilities for this site shall be owned, operated and maintained by the lot owner or a homeowners' association recognized by the Township. Maintenance shall consist of keeping the inlet grate free of debris, repairing or replacing pipes, and any other effort necessary to ensure that all structures remain functional at all times. If the Township determines at any time the storm water management facilities have been eliminated, altered or improperly maintained, the owner of the property shall be advised of corrective measures required and given sixty (60) days from the date such notices are sent to take necessary corrective action and the procedures of Section 517 .8 shall apply."*

PAGE INTENTIONALLY BLANK

# ARTICLE 500

## DESIGN STANDARDS

### CROSS REFERENCES

Article V, Subdivision and Land Development – Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 (Act 247), as reenacted and amended

Shrewsbury Township Zoning Ordinance, as amended

Shrewsbury Township Construction and Materials Specifications for Subdivision and Land Development, as adopted by resolution and revised.

Shrewsbury Township Stormwater Management Ordinance, as amended.

The most recent Flood Insurance Study—Federal Insurance Administration
Flood Insurance Study prepared for Shrewsbury Township by the Federal Insurance Administration, Pennsylvania Department of Environmental Protection

USDA, NRCS, Soil Survey of York County, Pennsylvania, 2003, as amended

Commonwealth of Pennsylvania Code, Title 67 Transportation, Department of Transportation, Subpart B, Article III, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads

Commonwealth of Pennsylvania Code, Title 67 Transportation, Department of Transportation, Subpart B, Article III, Chapter 459, Occupancy of Highways by Utilities

Commonwealth of Pennsylvania Code, Title 25, Environmental Protection, Chapter 73, Standards for Sewage Disposal, Section 73.17, Sewage Flows; Chapter 105, Dam Safety and Waterway Management; Chapter 102, Erosion and Sediment Control

Commonwealth of Pennsylvania, Department of Transportation Publication 383. Pennsylvania's Traffic Calming Handbook

American Society of Mechanical Engineers (ASME) B31.8 Code for Gas Transmission and Distribution Piping Systems

Southern York County Regional Comprehensive Plan, as amended

**Section 501 <u>Application of Standards</u>**

1. The land development principles, standards and requirements as set forth in this Article will be applied by the Township in evaluating plans for proposed land developments.

2. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.

3. Where literal compliance with the standards herein specified is clearly impractical, the Board of Supervisors may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations.

**Section 502 <u>Location of Site</u>**

All land development plans must reflect a location which has given consideration to the following factors:

1. The location of the land development must conform to the Southern York County Regional Comprehensive Plan and the Shrewsbury Township Official Map with respect to streets, public sites and proposed utilities.

2. The proposed use of the land in any land development must conform to the Township Zoning Ordinance.

3. Land subject to hazards of life, health, or property and considered uninhabitable may not be developed unless the hazards have been removed or the plans show adequate safeguards against them.

4. A land development must be coordinated with existing land development in the neighborhood so the entire area may be developed harmoniously.

5. Building sites shall not be permitted in any of the areas identified as being subject to the one hundred (100) year flood in the most recent Flood Insurance Study prepared for Shrewsbury Township by the Federal Insurance Administration.

6. Building sites shall be restricted as described in Article 13, Critical Environmental Areas of the Township Zoning Ordinance.

7. Building sites shall not alter drainage so as to adversely affect neighboring properties by causing erosion, swamping or ponding, and shall not increase storm water flow over pre-development levels.

**Section 503 <u>General Design Standards for Sites</u>**

In the layout of any land development attention must be focused on conditions which can affect development. These can include the following:

1. In all land developments, developers shall preserve wooded areas, prime agricultural soils, waterways, scenic points, historic sites and community assets and landmarks as delineated on the Shrewsbury Township Official Map or as required by Shrewsbury Township regulations.

2. Reserve strips controlling access to lots, public rights-of-way, pubic lands or adjacent private lands are prohibited.

3. All subdivisions and land developments shall avoid or minimize adverse impacts on the Township's natural, cultural and historic resources.

4. No buildings or structures may be erected in any designated flood plain area as specified by engineering data regarding the "one hundred (100) year flood" or the alluvium and flood prone soils as specified by the U.S. Department of Agricultural-Soil Conservation Service; such land within the development shall be set aside on the plan for uses which will not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions. Where flooding is known to have occurred within the area shown on the plan, such area shall be clearly marked "*subject to periodic flooding*" and shall not be platted in streets and lots.

    A. No buildings or structures shall be located in areas subjected to other hazards to life, health, or property, or on land deemed to be topographically unsuitable, including critical environmental areas

5. Location with Reference to Streets.

    A. All lots shall front on a dedicated public street (existing or proposed), other than an alley or service street. Lots not fronting upon a public street shall not be approved, except in the case of a private street which is in conformance with the specifications and requirements of private streets as specified in Articles 500 and 600 of this Ordinance.

    B. Exceptions. Irrespective of subsection 503.5.A, a lot or lots without frontage on a private road designed, improved and constructed in accordance with this Ordinance or other Township specifications may be approved for subdivision or land development subject to all of the following:

    (1) There are five (5) or fewer lots in the subdivision, and

    (2) The plan sets forth in a conspicuous manner that the road or street which will remain a private road and will not be adopted or maintained by the Township, and

    (3) Any such portion of the private road which provides access to more than one (1) dwelling must provide a cartway of at least sixteen (16) feet in width.

    (4) The owner(s) of any private road shall, prior to final plan approval, shall execute and record an Ownership and Maintenance Agreement for the improvements and maintenance of said private road.

    (5) An access maintenance agreement among all the property owners who utilize the private road access shall be executed and recorded in the York County Recorder of Deeds Office.

**Section 504 Street Systems – General**

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

1. Proposed streets shall be planned with regard to the existing street system, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties, future development extensions of the street system, and to ensure more than one access to the development if there are more than ten (10) lots.

2. The arrangement of streets shall provide for the continuation of existing or platted streets; for proper access to adjoining undeveloped tracts suitable for future development, and shall provide for alignment at intersections with existing streets on the other side of the intersecting streets.

3. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.

4. The streets must be properly located and built with regard to the proposed traffic functions, including the minimization of through-traffic on minor streets and the protection of major street capabilities from excessive marginal access.

5. Streets shall be designed to facilitate accomplishment of the transportation plan component of the Southern York County Regional Comprehensive Plan.

**Section 505 Street Design**

At a minimum, the following street design standards must be met. Additional street design and construction standards that must be met are found in Shrewsbury Township's Construction and Materials Specifications for Subdivision and Land Development, as adopted by resolution and revised.

1. Street Width – Minimum widths shall be as follows.

| Street Classification | Minimum ROW Width | Minimum Cartway Width** |
|---|---|---|
| Arterial Streets, Limited Access or Highways | * | * |
| Collector Street | 60 feet | 36 feet |
| Minor or Local Streets and Loop Roads – No Parking | 50 feet | 24 feet. |
| Minor or Local Streets and Loop Roads – Parking one side | 50 feet | 28 feet |
| Minor or Local Streets and Loop Roads – Parking both sides | 50 feet | 32 feet |
| Service Drive or Alley | 24 feet | 24 feet |
| Private Street or Road | 24 feet | 16 feet |

* As determined after consultation with the York County Planning Commission and the Pennsylvania Department of Transportation.

** Cartway width refers to paved area including all travel and parking lanes. The Cartway shall be measured between curbs. In the event a street or road does not contain curbs, an additional six (6) feet of paved shoulder shall be provided on both sides of all Collector and Minor or Local Streets.

A. Collector Streets. The travel lane for Collector Streets shall be fourteen (14) feet with curbing or with six (6) feet shoulders.; parking shall be prohibited. .

B. Minor/Local/and Loop Streets. The travel lane for Minor/Local/and Loop Streets shall be ten (10) feet with an eight (8) parking lane, as applicable. The minimum pavement width for Minor/Local/and Loop Streets may be reduced to twenty-two (22) feet if a protected parking lane is provided.

C. Travel lanes shall not deviate between intersections unless turning lanes are required. Protected parking lanes shall not be considered part of the travel lane.

D. Private Streets or Roads shall provide a minimum of sixteen (16) feet wide all-weather surface and two (2) foot wide shoulder areas.

2. Exceptions to Width Requirements – Provisions for additional width and right-of-way must be required when determined to be necessary as part of the Comprehensive Plan or when deemed necessary by the Township to accommodate emergency equipment.

3. Existing Road Frontage – In the case of a plan containing frontage on an existing public road the developer shall provide any required dedication for widening the existing road right-of-way to meet the minimum right-of-way standard as specified in this Section. Where uncertainty exists as to the road classification, it shall be as specified in the Southern York County Regional Comprehensive Plan, Transportation Plan Section. The right-of-way to be dedicated must be measured from the centerline of the existing roadway.

A. In the event the developer is unwilling to make a dedication of right-of-way, when requested, one-half of the width of the minimum right-of-way standards specified in section 505.1 shall be added to the minimum setbacks required along the existing public street. In these instances, setbacks shall be then measured from the centerline of the existing roadway.

B. In the case of a plan for a land development fronting on an existing or proposed public street, the developer shall be required to improve the portion of roadway on which the proposed development fronts to meet the minimum roadway standard as specified in this Ordinance. This includes shoulders, embankments, gutters, berms, and/or curbing, for the entire road width for the entire length of road frontage along the developer's property, including the intersection of the road with any other road or highway. The Board of Supervisors, in lieu of requiring such improvements at the time of subdivision or land development, may require the payment of a uniform per-building lot fee to be placed in a Highway Capital Improvement Fund, to be established by the Township by resolution. The developer shall also have the option to request waivers as set out in Section 309 of this Ordinance of any requirement under this section.

4. Dead-End Streets. – Dead-end streets shall be prohibited, except when designed as temporary cul-de-sac streets on land owned by the developer in order to permit future street extensions into adjoining tracts. Temporary Cul-de-sacs must be converted to permanent cul-de-sacs or removed within two (2) years from the date of approval of the final subdivision plan. These temporary dead-end streets must be approved by the Township and indicated on the plans as such. Also, they must be constructed with a stabilized all weather turnaround of the same radius as that which would be required for a permanent cul-de-sac street, the turnaround to be removed when the street is continued. Unless otherwise dedicated, all excess right-of-way

from the removal of temporary cul-de-sac or conversion to a through street shall revert to adjacent property owners

5. Cul-de-sac Streets – In addition to the following, all cul-de-sac streets shall meet applicable standards for Minor or Local streets:

   A. Permanent cul-de-sac streets shall not exceed a centerline distance of seven hundred fifty (750) feet in length, nor be less than two hundred fifty (250) feet in length.

   B. Temporary cul-de-sac streets shall not exceed seven hundred fifty (750) feet in length. Temporary cul-de-sac streets shall only be approved by the Board of Supervisors when the applicant has demonstrated to the satisfaction of the Board of Supervisors that the temporary situation will not exceed two (2) years.

   C. The length of a cul-de-sac shall be measured from the centerline intersection with a street which is not a cul-de-sac to the center of the cul-de-sac turnaround.

   D. A cul-de-sac street shall be designed to carry a maximum to two hundred fifty (250) Average Daily Vehicle Trips as indicated for the type of land use proposed in the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. If more than one cul-de-sac streets intersect, both the length of such streets and the number of Average Daily Vehicle Trips shall be measured cumulatively.

   E. The radius of the cartway, which shall be measured from the center point of the cul-de-sac to the outer edge of the paved area, shall be at least forty (40) feet. Central islands and/or planting islands shall be prohibited

   F. Cul-de-sac streets should not be utilized unless there is no other feasible manner in which to design a street system so as to permit the reasonable development of the property.

   G. Private roads may not be accessed via cul-de-sac streets.

   H. Cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided with a snow removal easement with both a width and depth of twenty (20) feet located at the terminus of the cul-de-sac street for plowed snow during the winter months. The easement shall be grassed and maintained by the owner of the lot on which the easement is located. The easement shall be designed to collect and convey any stormwater to the stormwater system to prevent a maintenance problem with the refreezing of melted snow on the cul-de-sac street. No obstructions of any kind, which shall include driveways and utility pedestals, shall be placed in the easement area. All driveways shall be set back at least five (5) feet from a snow easement.

6. Half Streets – Half streets will not be permitted, except where dedication is for widening of an existing publicly maintained road and the remaining half of such road to the full width of right-of-way required is free and clear of existing buildings or other structures to the required setback line and the dedication or acquisition of the remaining half street is otherwise possible. Whenever there is an existing half street adjacent to a tract to be developed, then

the other half of the street shall be platted and dedicated within such tract unless otherwise determined by the Board of Supervisors.

7. Horizontal Curves – Where connecting street lines deflect from each other at any one point, by more than ten (10) degrees, the lines must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be as follows:

| Type of Street | Minimum Radius |
|---|---|
| Arterial, Limited Access or Highways | 500 feet |
| Collector | 300 feet |
| Minor, Local or Loop Roads | 200 feet |
| Private Streets or Roads | 200 feet |

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

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

| Design Speed (Miles per Hour) | Minimum Required Sight Distance |
|---|---|
| 60 mph | 525 feet |
| 55 mph | 450 feet |
| 50 mph | 400 feet |
| 45 mph | 325 feet |
| 40 mph | 275 feet |
| 35 mph | 225 feet |
| 30 mph | 200 feet |
| 25 mph | 150 feet |

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

8. Superelevation – For curves on collector and arterial streets proper superelevation must be provided as required by the Township or the Department of Transportation. The design shall be in accordance with the latest edition of the Pennsylvania Department of Transportation Publication 13M, Design Manual Part 2, Highway Design.

9. Vertical Curves – Changes in grade in excess of one (1) percent shall be joined by vertical curves. Proper sight distance must be provided with respect to vertical alignment to permit the following minimum sight distances:

| Design Speed (Miles per Hour) | Minimum Required Sight Distance | |
|---|---|---|
| | Crest | Sag |
| 60 mph | 190 feet | 120 feet |
| 50 mph | 110 feet | 90 feet |
| 40 mph | 60 feet | 60 feet |
| 35 mph | 46 feet | 49 feet |
| 30 mph | 30 feet | 40 feet |
| 25 mph | 16 feet | 26 feet |

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

10. Grades – The grades of streets must meet the following requirements.

| Type of Street | Minimum Grade | Maximum Grade |
|---|---|---|
| Arterial Streets | 1½ % | 6% |
| Collector Streets | 1½ % | 7% |
| Minor/Local Streets | 1½ % | 12% |
| Cul-de-sac | 1½ % | 12% |
| Service Streets or Alleys | 1½ % | 12% |
| Private Streets or Roads | 1 ½ % | 12% |

A. In all grades exceeding one (1) percent, vertical curves must be used and must be designed for proper sight distance.

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

C. PennDOT standards shall be used for State roads.

11. Crown – The slopes of the crown on residential service and neighborhood collector streets shall be at least one-eighth (1/8) inch per foot but not more than one-third (1/3) inch per foot as directed by the Township Engineer. This applies only to straight sections of road.

12. Sight Distance – Adequate safe stopping sight distance (SSSD) must be provided at each street intersection. The required and proposed SSSD at each intersection must be indicated on all subdivision and land development plans, both for proposed and existing intersections. The SSSD at each proposed intersection must meet the distances found in PA Code Title 67, Chapter 441.

13. Slope of Banks – Measured perpendicular to the street centerline may not exceed the following:

| Type | Slope of Banks |
|---|---|
| Fills | 3 to 1 |
| Cuts | 2 to 1 |

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

B. Slopes may not exceed 4 to 1 fills and cuts within ten (10) feet of a property line.

**Section 506 Intersection Design**

The following are intersection design standards.

1. Angle of Intersection – Intersections must be as nearly at right angles as possible. However, in no case should they deviate from the standards below:

| Type of Intersection | Angle of Intersection of Street Centerlines |
|---|---|
| Arterial with Arterial | 90 degrees |
| Arterial with Collector | 75-105 degrees |
| Collector with Collector | 75-105 degrees |
| Collector with Minor/Local | 75-105 degrees |
| Minor/Local with Minor/Local | 75-105 degrees |

2. Intersection Grades – Intersections must be approached on all sides by level areas. Where the grade exceeds seven (7) percent, these level areas must have a minimum length of fifty (50) feet (measured from the intersection of the centerlines) within which no grade may exceed a maximum of four (4) percent.

3. Intersection Curve Radii – Design of curb or edge of pavement must take into account such conditions as types of turning vehicles, likely speeds of traffic, angle of turn, number of lanes, and whether parking is permitted; but, curb or edge of pavement radii must not be less than the following:

| Type of Intersection | Minimum Simple Curve Radii of Curb or Edge of Pavement |
|---|---|
| Arterial with Arterial | 40 feet or more as per PennDOT |
| Arterial with Collector or Minor/Local | 35 feet or more |
| Collector with Collector | 30 feet or more |
| Collector with Minor/Local Street | 25 feet |
| Minor/Local Street with Minor/Local Street | 20 feet |

Three-centered compound curves equivalent to the above minimum simple curves are permitted and encouraged where applicable. Radius corners or diagonal cutoffs must be provided on the property lines substantially concentric with, or parallel to the cord of the curb radius corners.

4. Distance between Intersections – Distances between intersections shall be in accordance with the following.

| Type of Intersection | | | | | |
|---|---|---|---|---|---|
| | Arterial w/Arterial | Arterial w/Collector & Minor | Collector w/Collector | Collector w/ Minor | Minor w/Minor |
| Minimum Distance Between Centerlines of Intersections | 800’ | 800’ | 600’ | 500’ | 500’ |
| Minimum Separation of Centerlines for Streets not in Alignment | * | * | * | 150’ | 150’ |

*Must be in alignment with planned or proposed streets entering from opposite side.
Note: Minor streets are considered local streets.

5. Multiple Intersections – Involving junction of more than two streets shall be prohibited.

**Section 507 Other Street Provisions**

1. Dead-End Service Drives or Alleys and Private Streets – Where service drives or alleys, and private streets dead end, they must be provided with a paved turnaround with a minimum diameter of eighty (80) feet or a paved "T" turnaround of a minimum width of ten (10) feet and a minimum length of twenty (20) feet.

2. Access – Streets shall be laid out to provide access to all lots and to adjacent undeveloped areas, and the developer shall improve these streets to the limits of the development. Private roads or streets not designed in accordance with Section 505 of this ordinance and improved in accordance with Section 602 through 609 of this ordinance shall not be permitted if such road or street provides direct or indirect access to more than five dwellings.

3. Driveways Intersecting State Roads – Driveways intersecting state roads must comply with the requirements of the Commonwealth of Pennsylvania, Title 67. Transportation, Department of Transportation, Chapter 441, Access to and Occupancy of Highway by Driveways and Local Roads. A highway occupancy permit (HOP) issued by PENNDOT is required for all accessing driveways a State Highway; and no subdivision or land development will be approved without such permit.

   A. An “awareness of review” from the York County Planning Commission shall be attached to the HOP application.

4. Driveways Intersecting Local Roads –

   A. Within ten (10) feet of a street right-of-way line, a driveway may not exceed thirty-five (35) feet or be less than ten (10) feet in width.

   B. A driveway may not cross a street right-of-way line:

      (1) Within forty (40) feet of the right-of-way line of an intersecting street.

      (2) Within five (5) feet of a fire hydrant.

      (3) Within forty (40) feet of another access drive on the same property.

      (4) Within three (3) feet of a property line.

   C. Minimum angle between the centerline of the driveway and the street shall be not less than sixty-five (65) degrees.

   D. A driveway must be located in safe relationship to sight distance and barriers to vision. Safety determination shall be made in accordance with a minimum safe sight distance that establishes minimum safe stopping distances in accordance with maximum speeds and highway grades.

   E. The required sight distances for each driveway shall be in accordance with §507.3 above.

F. Where a driveway enters a bank through a cut, unless a retaining wall is used, the shoulders of the cut may not exceed fifty (50) percent in slope within ten (10) feet of the point the driveway intersects the street right-of-way. The height of the bank must not exceed three (3) feet within twenty (20) feet of the street.

G. The grade of a driveway shall not exceed five (5) percent within twenty-five (25) feet of its intersection with a street.

Driveways must provide reasonable access to the property proposed to be served and must be designed so as not to unreasonably erode the public street or road. All concrete or asphalt pavement located within the Township's right-of-way must be paved to a minimum typical pavement section as outlined in the Shrewsbury Township Construction and Material Specifications for Subdivision and Land Development for all residential driveways, private streets and private roads servicing two or more residential dwellings and all non-residential driveways. The typical pavement section shall begin at the edge of the Township road or street and continue to the right-of-way line or for a distance of thirty (30) feet, whichever is greater.

5. Clear Sight Triangle

A. No walk, fence, sign or other structure shall be erected, altered and no hedge, trees, shrubs, or other growth shall be maintained or permitted which may cause danger to traffic on a street or public road by obscuring the view.

B. At all intersections of streets, private roads and/or driveways, a clear sight triangle shall be maintained in which there shall be no visual obstructions other than public utility poles and trees not more than one (1) foot in diameter at maturity.

(1) Proper sight clearance must be maintained at all street, access drive and driveway intersections, and shall comply with this Section and Section 500 of the Township's Subdivision and Land Development Ordinance.

(2) Clear Sight Triangles shall be measured along the centerline of each street as follows (See Diagram 1 below):

| Type of Street | Clear Sight Triangle Side |
|---|---|
| Arterial | 150 feet |
| Collector | 75 feet |
| Local | 75 feet |

(3) Where a driveway (Street B in diagram below) intersects with a street, the clear sight triangle shall be measured along the centerline of the driveway from where it meets the cartway of the street for twenty (20) feet for residential driveways and fifty (50) feet for access drives; and, along the centerline of the street (Street A in diagram) in both directions from the intersection with the driveway centerline the following distances:

| | |
|---|---|
| Residential Driveway | 50 feet |
| Commercial Driveway | 75 feet |

(4) Within such triangles, no structure, grading, or landscaping greater than three (3) feet in height or greater than one (1) foot in diameter that would obscure the vision of a motorist shall exist or be placed.

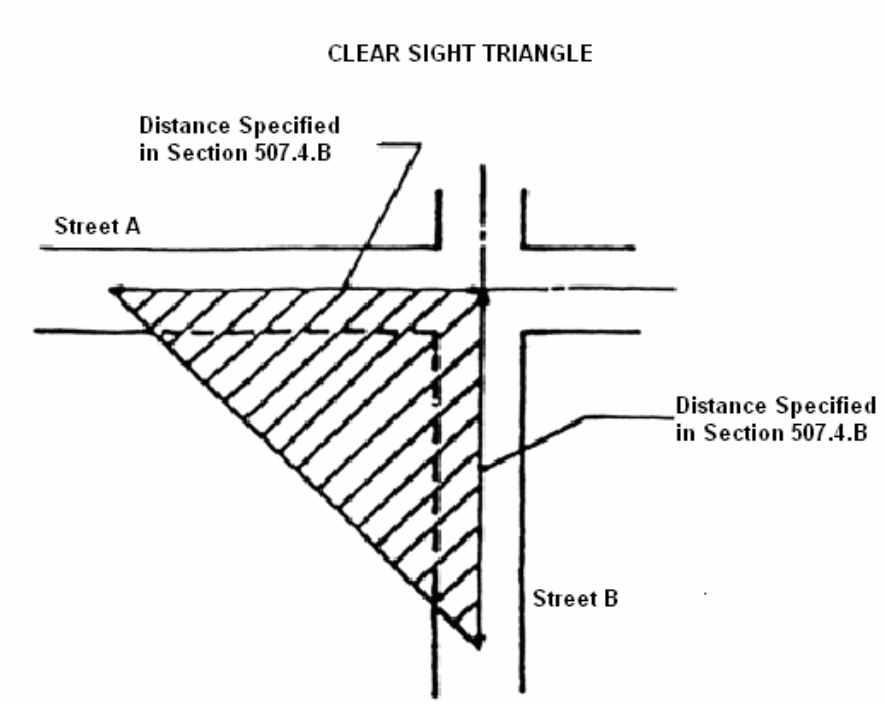



**Diagram 1. Clear Sight Triangle**

6. Street Names – Shall not duplicate existing or platted street names within Shrewsbury Township and surrounding municipalities, or approximate such names by the use of suffixes such as "boulevard", "circle", highway", "road", "lane", "street", "way", "drive", "court", "avenue". New streets shall bear the same name of the existing or platted street of which they are a continuation or with which they are in alignment. Street names must be submitted for approved by the Board of Supervisors the Harrisburg Post Office and the York County 911 Center.

7. Traffic Calming Measures – Traffic calming measures shall be designed in accordance with the Commonwealth of Pennsylvania Department of Transportation, Publication 383, entitled "Pennsylvania's Traffic Calming Handbook."

**Section 508 Blocks**

The length, width and shape of blocks shall be determined with due regard to the following:

1. Provision of adequate sites for type of buildings proposed.

2. Zoning requirements.

3. Topography.

4. Requirements for safe and convenient vehicular and pedestrian circulation.

5. Blocks shall have a minimum length of five hundred (500) feet. In the design of blocks longer than eleven hundred (1,100) feet, special consideration shall be given to the requirements of satisfactory fire protection.

    A. Residential Blocks – Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering a major traffic street are used.

    B. Pedestrian Requirements – Pedestrian interior walk shall be required for blocks greater than eight hundred (800) feet in length to assist circulation or provide access to community facilities. When pedestrian walkways intersect a public or private street, a crosswalk may be provided. Such crosswalks shall have a width of not less than ten (10) feet and a paved walk surface of not less than six (6) feet.

    C. Commercial and Industrial Blocks – In commercial and industrial areas, the block layout shall be designed with reference to service of the public and with provisions for adequate off-street parking and loading facilities.

    D. Minimum Residential Parking Requirements – Proposed residential developments shall provide a minimum of three (3) parking spaces per proposed residential unit either in the form of on-street or surface lot parking, in addition to all off-street parking requirements, dispersed evenly throughout the development. Developers may, and are encouraged to, utilize protected parking lanes to reduce overall impervious surface area. Surface lots may be utilized and must be landscaped in accordance with this ordinance.

    E. Fire Lanes and Signage – Fire lanes and signage shall be required in accordance with the Shrewsbury Township Safety and Prevention Ordinance, as amended.

**Section 509 Lots and Lot Sizes**

The following provisions are applicable to lot layout, lot dimensions, setback lines, planting screens, grading and residential parking.

1. Lot Layout in a Development – All lots within a development shall conform to the following requirements:

    A. Corner lots shall provide for equal setbacks on both streets.

    B. Lot depths shall be not less that one (1) nor more than two and one-half (2½) times the average lot width.

C. Depth and width of parcels laid out or reserved for nonresidential use shall be adequate for the use proposed and sufficient to provide satisfactory spaces for off-space parking and unloading.

D. Residential lots shall front on a dedicated public street, existing or proposed, except as provided by Section 503.5.

E. Lots shall be drawn to the center of the road.

F. Double frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets.

G. Side lot lines shall be substantially at right angles or radial to street lines.

H. Lots shall be generally rectangular in shape and average lot width shall not be substantially greater than nor less than the lot width measured at the minimum setback line for the zone in which the lot is located.

2. Lot Dimensions.

A. The dimensions and areas of the lots must conform to the Township Zoning Ordinance. Where no public water and public sewerage system exists, the minimum dimension and areas of lots required by the Township Zoning Ordinance must be evaluated with regard to the results of soil percolation tests.

B. The Board of Supervisors, in conjunction with the Pennsylvania Department of Environmental Protection, must analyze the results of the soil percolation tests performed on the development, in accordance with Section 514. On the basis of this analysis, the Township may increase the minimum lot sizes and widths specified in the Township Zoning Ordinance.

C. Multi-family (three (3) dwelling units or more) dwellings may be built only where public water and public sewer are provided. For these dwellings the minimum lot size, width and depth shall be as provided in the Township Zoning Ordinance.

3. Setback Lines – The setback lines for buildings must conform to the Township Zoning Ordinance.

4. Planting Screens – Where lots face an interior street and back on a major thoroughfare or abut properties in other uses that have an adverse effect upon them, the subdivider or developer shall provide a planting screen/buffer yard at least thirty (30) feet wide along the back or abutting side of the lot, as the case may be. No right-of-access or drives may open onto or through the strip. Planting screens shall not be located within the clear sight triangle. Furthermore, all planting screens/buffer yards shall be designed and planted in a manner consistent with Article 700 of this Ordinance.

5. Grading and Drainage.

   A. Lots shall be graded to sufficient elevation to secure drainage away from buildings and to prevent the collection of storm water in pools in accordance with Section 529 of this Article.

   B. Roof drainage shall be provided in accordance with Section 530 of this Article.

   C. Top soil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover.

6. Residential Parking – Where such access is either a collector or arterial street, adequate turn-around space shall be provided on the lot.

**Section 510 Establishing Building Envelopes and Woodland Preservation Areas on Wooded Lots**

1. Large Lot Use Requirements - Any land area located within Shrewsbury Township which is proposed to be subdivided or developed for structures on lots twenty thousand (20,000) square feet or larger and was, two (2) years prior to the proposed development, (1) partially or completely wooded, and/or (2) contained isolated groupings or clusters of native, overstory trees, which average ten (10) inches or larger in diameter as measured at breast height (DBH) or four and one-half (4½) feet above grade, and /or (3) contained individual, isolated, native, overstory trees measuring twenty (20) inches or larger at DBH shall be developed consistent with the following requirements:

   A. A building envelope, marked by permanent markers as defined in Section 601 of this ordinance, shall be located on each proposed approved lot. The dwelling and all related improvements shall be located within this building envelope and along with the area of a driveway and parking, shall not exceed fourteen thousand (14,000) contiguous square feet.

      (1) This requirement may be satisfied by either the subdivider or developer, as part of the plan approval, or by the lot owner prior to the clearing or removal of trees. If the lot owner designates the building envelope, a Use Certificate must be issued by Shrewsbury Township prior to the removal of any trees. A Use Certificate will be issued provided the building envelope is marked by permanent monuments and an adequate tree protection barrier is in place prior to tree clearing or removal.

      (2) In either case, on a final Subdivision or Land Development plan, each proposed lot shall contain a large, framed insert "*Tree Removal Shall Not Exceed Fourteen Thousand (14,000) contiguous Square Feet"-See Notes Below*."

      (3) See Section 510.4 for additional required plan notes.

   B. Permanent monuments shall be placed and maintained along the building envelope perimeter by the subdivider or developer prior to final plan approval or by the lot owner immediately following the designation of a building envelope.

C. Protective barriers, such as for example, a snow fence or a barrier of large diameter logs (12 inches or greater) shall be installed or placed at the perimeter of the building envelope in order to protect the trees/woodlands outside the building envelope during land clearing and construction. Such barriers shall be maintained until the issuance of an occupancy permit.

D. All designated woodland areas, tree clusters and individual, isolated trees, as described herein, located outside of the designated, building envelop shall be classified as a Tree Preservation Area and shall be maintained as follows:

(1) A "Tree Preservation Area" shall be maintained at all times as a woodland with an adequate stocking of native, overstory trees (deciduous or conifers) suitably spaced so as to assure a full canopy of trees. In this regard, if any overstory trees die or are removed they should be replaced by native, overstory trees within twelve months, if necessary, to assure a full canopy of trees. See Section 510.3 for replacement specifications.

(2) Maintain the tree preservation area in leaf litter or the natural forest floor. These areas shall not be graded, filled or converted to lawns or gardens.

E. The following protective covenants shall be included within the deeds of all approved lots.

(1) Lot clearing or tree removal is limited to the designated fourteen thousand (14,000) contiguous square feet building envelope or the area specified on the subdivision or land development plan.

(2) All other areas of the lot must be maintained at all times as woodland and contain an adequate stocking or spacing of native trees in order to assure a full canopy at tree maturity.

(3) The woodland floor shall not be graded, filled or converted to lawns or gardens, but rather maintained as leaf litter or the natural forest floor.

(4) These requirements shall not prohibit the harvesting of trees as a renewable resource provided subsection (2) above is fully satisfied.

2. <u>Small Lot Use Requirements</u>

Any land area located within Shrewsbury Township which is proposed to be subdivided or developed for structures on lots less than twenty thousand (20,000) square feet which is partially or completely wooded and/or contains isolated groupings or clusters of native, overstory trees, which average ten (10) inches or larger in diameter as measured at breast height (DBH) or four and one-half (4½) feet above grade and /or contains individual, isolated, native, overstory trees measuring twenty (20) inches or larger at DBH shall meet the following requirements.

A. <u>Woodland Retention Requirements</u>

| Woodland Retention Requirements | |
|---|---|
| **Land Use** | **Minimum Woodland Retention** |
| Residential Lots < 20,000 sq. ft. | 20% of parcel or parcels being developed |
| Commercial, Institutional and Industrial | 15% of parcel or parcels being developed |

B. Areas retained as woodland, as required above, shall be maintained at all times as woodland with an adequate number or stocking of native, overstory trees (deciduous or conifers) suitably spaced so as to assure a full canopy of trees. In this regard, if any overstory trees die or are removed they should be replaced within twelve (12) months by native, overstory trees, if necessary, to assure a full canopy of trees.

C. Area retained in woodland shall be maintained in leaf litter or the natural forest floor. These areas shall not be graded, filled or converted to lawns or gardens.

3. Woodland Restoration Plan Requirements

If any tree removal has occurred prior to subdivision or development plan submittal and approval, or the issuance of a use permit, but after the enactment date of this ordinance, a Woodland Restoration Plan is required that will provide for a full woodland canopy on the subdivision or land development site, if the removal has resulted in a stocking rate or spacing of trees which will not provide a full canopy. This canopy can consist of existing, remaining, native, overstory trees, if any, and planted, native, overstory trees of a minimum DBH of two (2) inches and a minimum height of eight (8) feet.

4. Additional Requirements

A. Specimen trees shall not be removed from any property except where the applicant demonstrates to the satisfaction of the Township that permitted improvements cannot be implemented without such removal.

B. Prior to any clearing or site disturbance, the landowner, applicant and/or site contractor shall provide the Township with established best management practices (BMPs) to minimize tree loss.

C. Woodlands and hedgerows shall interconnect with woodlands and hedgerows on adjacent properties in order to preserve intact woodland and hedgerow corridors and to enable natural movement and migration of wildlife.

5. Required Plan Notes

The notes required on a subdivision or land development plan are as follows.

A. *A building envelope, marked by permanent monuments, shall be located on each proposed, approved lot. All structures and related improvements shall be located within this building envelope.*

B. *If the lot owner designates the building envelope, a Use Certificate must be issued by Shrewsbury Township prior to the removal of any trees.*

C. *Permanent monuments shall be placed and maintained along the building envelope perimeter.*

D. *Protective barriers shall be installed along the perimeter of the building envelope prior to land clearing or tree removal and kept in place until the issuance of an occupancy permit.*

E. *The wooded area outside of the building envelope shall be maintained at all times as a woodland with an adequate number of stocking of native, overstory trees (deciduous or conifers) suitably spaced so as to assure a full canopy of trees. In this regard, if any overstory trees die or are removed they should be replaced by native, overstory trees, if necessary, to assure a full canopy of trees.*

F. *The wooded area outside of the building envelope shall be maintained at all times in leaf litter or the natural forest floor. These areas shall not be graded, filled or converted to lawns or gardens.*

**Section 511 <u>Protection of Critical Environmental Areas</u>**

All subdivisions and/or land developments shall be designed to protect Critical Environmental Areas. Impacts to Critical Environmental Areas should be protected in compliance with applicable local, state, and federal regulations, whichever is most restrictive. The following design requirements and regulations must be met.

1. Critical Environmental Areas can be included within a lot in a minor subdivision provided said lot, not inclusive of existing CEA, meets the minimum lot size for the zoning district in which the lot is located. For a land development or major subdivision all land designated a CEA shall be maintained in its entirety as a natural or undeveloped area, as common open space (See Section 512). Land located within the Critical Environmental Areas shall be maintained or planted to native trees and shrubs at all times.

2. The use of Critical Environmental Areas for sedimentation control or storm water management is prohibited with respect to any structural components except constructed wetlands. The Critical Environmental Areas shall not be re-graded, filled or otherwise altered and shall be protected from pollution or contamination. Isolated areas of slope in excess of twenty-five (25) percent, and not contiguous to other areas of slope in excess of twenty-five (25) percent, which cumulatively do not exceed one quarter (1/4) acre or ten thousand eight hundred ninety (10,890) square feet, may be re-graded or disturbed provided they are outside of the one hundred (100) foot stream buffer.

3. All subdivisions and/or land developments must comply with requirements of Article 10 of the Township's Zoning Ordinance.

**Section 512 <u>Design, Ownership and Maintenance of Common Open Space</u>**

A plan for the ownership and maintenance of the common open space, including the pedestrian path system, must be submitted for approval by the Township Board of Supervisors. The open space shall be located so that access to portions of the open space is easily available to every

resident and access to centralized common areas is maximized to the greatest extent possible. Such ownership, administration and maintenance shall be arranged to be in accordance with one (1) or more of the following methods:

1. An offer of dedication to the Township; however, the Township shall not be obligated to accept dedication of the recreational area/common open space. Generally, the Township will only accept those areas which will benefit the recreation/park system and which will be practical for the township to maintain.

    A. With permission of the Township and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the common open space, or a portion thereof, to a private, non-profit organization among whose purposes is the preservation of open space land and/or natural resources. The organization shall be a bona fide conservation organization with perpetual existence; the conveyance must contain appropriate provisions for the reverter or transfer if the organization is unable to carry out its functions, and the organization must enter into a maintenance agreement with the Township.

2. Alternatively, the developer may provide for and established an automatic membership property owner's association made up of the owners of property in the open space development, as a non-profit corporation to have primary responsibility for the Township, administration and maintenance of the common open space, with each lot owner within the open space development to have secondary responsibility for such maintenance. Such organization shall be organized consistent with the requirements for unit owners associations as set forth in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101 et seq. If such an organization is formed, the developer must submit a detailed statement including covenants, agreements or the specific documents indicating to the Township, method of maintenance and utilization of the open space area(s) within the development. The provisions of all such covenants, agreements and documents insofar as they relate to the maintenance of the common open space must be reviewed and approved as adequate by the Township Solicitor. The covenants and agreements shall be perpetual and shall be recorded prior to or simultaneous with the approved plan.

3. If a portion of the common open space is to be used for agricultural purposes, the plan may proposed that such portion of the common open space be transferred to a person or other entity who will farm the land for crops. Prior to the transfer of any recreational area/common open space for agricultural purposes, a permanent conservation easement in favor of the Township, in language acceptable to the Township Solicitor, shall be imposed against such lands. The conveyance shall contain appropriate provisions for the retransfer or reverter to the Township or any association or trustee holding the remainder of the common open space in the event the land ceases to be used for agricultural purposes.

4. In the event the organization established to own and maintain the recreational area/common open space or any successor organization shall at any time after the establishment of residential development fail to maintain the recreational area/common open space in reasonable order and condition in accordance with the development plan, the Township shall inform such organization, utilizing the name and address as set forth in the records contained in the York County Assessment Office utilized for the assessment of real estate taxes, either

personally or by certified mail, of the inadequate maintenance and the steps needed to correct the deficiencies. In addition, the Township shall inform, either personally or by certified mail, one or more owners of lots within the cluster residential development of the inadequate maintenance and the action needed to correct such recreational area/common open space or successor organization and/or the individual lot owners informed of such inadequate maintenance shall cause such maintenance, as is necessary to correct the deficiencies set forth by the Township to be completed within sixty (60) days from the date such notices are sent. Upon failure to do so, the Township shall have right of entry onto the recreational area/common open space with the purpose of performing the maintenance found necessary to correct the stated deficiencies.

5. In the event the Township performs maintenance of the recreational area/common open space, the owner or owners of the land where such maintenance is performed shall indemnify and hold the Township harmless of any and all claims for damages to persons or property arising from its activities in maintaining such common open space or successor organization for its costs in performing the aforesaid maintenance. In the event such assessments are not paid within thirty (30) days from the date of such note, Township shall have the right, at its sole discretion, to levy assessments against any one or more (up to all) of the residential lots within such residential development, with no obligation to apportion, in a total amount not to exceed the costs of maintenance of the common open space together with costs of collection incurred by the Township including attorney's commission in the amount of twenty-five (25%) percent of such assessment, giving notice to the owner or owners of such lots intended to be assessed by sending written notices thereof addressed to such owner or owners at the address set forth in the records utilized for the assessment of real estate taxes by certified mail; provided however, the Township may levy assessments only against the owners of lots which it notified of the inadequate maintenance pursuant to the above paragraph. If such assessments are not paid within thirty (30) days after the sending of such notice, such assessments may be entered as liens against the lot or lots in the Office of the Prothonotary of York County or such other office which may at that time be responsible for maintenance of records of municipal liens and the Township shall have the right to collect such sums in a manner provided by law for the collection of municipal liens.

**Section 513 <u>Water Supply</u>**

Based upon the results of a Water Service Feasibility Report as set forth in Section 514 herein, unless the Shrewsbury Township Zoning Ordinance dictates a different distance requirement, and the development is outside an existing growth or reserved growth boundary line, the development must be provided with water supply facilities as follows:

1. Where there is an existing municipal water supply system on or within one thousand (1,000) feet of the development, a complete water main system connected to the existing municipal water supply system must be provided, or

2. Where there is no existing municipal water supply and the Water Service Feasibility Report indicates that connection to a municipal water supply system is not available, each lot in the development must be provided with an individual water supply system in accordance with this section approved and certified by the Pennsylvania Department of Environmental Protection (DEP) and the Township Engineer. All individual water supply systems shall be

drilled and/or constructed and tested prior to preliminary or final subdivision and land development approval, as applicable.

3. A note shall be placed on all preliminary and/or final subdivision and land development plans stating that the individual water supply system has been constructed and installed in accordance with the Township Subdivision and Land Development Ordinance and PA DEP regulations and has been approved and certified by the Township Engineer and DEP, as applicable.

**Section 514 <u>Water Supply Analysis Report</u>**

1. The applicant shall submit a Water Supply Report concerning the availability of a public, private, or individual on-lot water system in or near the proposed subdivision or land development. The report shall be prepared by a registered professional engineer and be submitted in conjunction with the preliminary or final plan for review by the Township Engineer.

    A. Minimum Residential Requirements – The report shall show that the proposed well is capable of supplying potable water at the minimum rate of three hundred fifty (350) gallons per day per unit of residential occupancy at a demand rate of not less than two (2) gallons per minute for one (1) hour during periods when precipitation is forty (40) percent below normal.

    B. Minimum Principal Non-Residential Requirement – The report shall show that the proposed well is capable of supplying potable water at the minimum rate of four hundred (400) gallons per day for each planned use at a demand rate of not less than four (4) gallons per minute for one (1) hour during periods when precipitation is forty (40) percent below normal.

    C. Tests for the following Maximum Contaminant Levels (MCLs) shall be conducted for all individual water supply systems, including all existing wells, prior to the approval of the final subdivision or land development plan. All test results shall be forwarded to the Township.

        (1) Nitrate (measured as Nitrogen) not to exceed 10 ppm

        (2) Total Coliforms = 0

        (3) Fecal Coliform = 0

        In addition, upon recommendation of the SEO, CEO, and/or Township Engineer, or based upon the results of preliminary site investigations or environmental studies, additional MCL testing may be required by the Shrewsbury Township Board of Supervisors in order to safeguard the health, safety, and welfare of the Township residents. These MCL tests may include any regulated microorganisms, disinfection byproducts, disinfectants, inorganic chemicals, organic chemicals, or radionuclides as defined by the United States Environmental Protection Agency, National Primary Drinking Water Regulations for the above contaminants; MCLs shall NOT exceed those defined in these regulations.

D. A serviceable well must be drilled and/or constructed and tested on each proposed lot prior to final approval.

2. A drawdown/well interference report shall be prepared for all subdivision and land developments proposing the utilization of water being obtained from the tract being subdivided or developed.

   A. The scope of the report and the method of analysis of the study and testing data shall be approved by the Township Engineer prior to initiating the study.

   B. The report shall be prepared using on-site testing and observations.

   C. The completed report and study shall be approved by the Township Engineer.

3. Except as set forth in the Township Zoning Ordinance, all lots created and all uses requiring land development plans shall be served by public water, if available. Public water facilities shall not be extended beyond the "Growth Boundary" as defined by the . Southern York County Regional Comprehensive Plan.

4. If connection to an existing public water system is proposed, the subdivider or developer shall submit an agreement committing the public water system to provide such water as will be utilized by the subdivision or land development for such period of time and under such terms and conditions as the public water provides water service elsewhere in its service area.

5. If the water supply system proposed involves the utilization of water obtained from the tract being subdivided or developed, or from a nearby tract (within one thousand (1000) feet of the tract being subdivided or developed), irrespective of whether that water is being distributed as a part of a public water supply system, the Board of Supervisors will approve the proposed water supply system only when the feasibility study establishes, and the engineer performing the study, certifies that the ground water recharge on the tract in question comply with the following criteria.

   A. Withdrawal rates and amounts shall be managed to balance natural recharge rates and amounts on a site-specific basis to insure that the potential of interference with adjacent properties is minimized as follows:

      (1) The groundwater recharge on the specific tract in question will exceed the anticipated water withdrawal during a one (1) in ten (10) year drought or a forty (40) percent reduction in the average annual precipitation for the study area. Recharge shall be based upon the following:

         a. The area available for recharge shall be based upon post-development impervious conditions.

         b. The recharge rate may include estimated recharge from on-lot sewage disposal systems.

c. The recharge rate shall include an analysis of the impact of the post-development storm water management system.

d. The recharge rate may include estimated recharge from storm water management infiltration facilities.

6. For residential developments, the withdrawal rate shall be based upon a rate of three hundred fifty (350) gallons per day per three (3) bedroom dwelling. The withdrawal rate shall be increased by one hundred (100) gallons per day for each additional bedroom over three (3) bedrooms per dwelling unit.

7. Commercial, industrial, agricultural or any other non-residential withdrawal rates shall be calculated by increasing the DEP sewage flows as provided in Pennsylvania Code Title 25, Environmental Protection, Chapter 73, Standards for Sewage Disposal, Section 73.17, Sewage Flows, by twenty (20) percent. The feasibility report and study shall include a description of the proposed use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the use. The applicant shall in addition set forth the proposed allocation of available water supply between or among the proposed uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township.

8. Withdrawal rates for all uses not provided for by the above sections shall be based upon the maximum anticipated peak demand increased by twenty (20) percent. The feasibility report and study shall include a description of the proposed use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the use. The applicant shall in addition set forth the proposed allocation of available water supply between or among the proposed uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township.

9. A preliminary groundwater computer model shall be developed to produce a plot of the anticipated drawdown within the groundwater system to demonstrate that the installation of the proposed water system(s) will not lower the groundwater table in the area so as to endanger or decrease the water supplies necessary for properties adjacent to the project.

    A. The on-site testing and observations as required above shall be accomplished by at least one (1) pumped well and at least two (2) observation wells which have hydraulic continuity with the pumped well.

10. In all cases the applicant shall demonstrate that the water to be supplied shall be potable and shall meet all applicable standards of DEP or the United States Environmental Protection Agency.

11. If public water system(s) are proposed, these systems shall be in compliance with the above requirements as well as the regulations of DEP.

**Section 515 <u>Sewage Disposal</u>**

Based upon the results of the feasibility report required by this Ordinance and described in Section 515, the subdivision or land development must be provided with sanitary sewage disposal facilities as follows:

1. If the proposed subdivision or land development is required by the Township Zoning Ordinance to be served by a public sanitary sewer system, a complete sanitary sewer system shall be installed and connected to the existing municipal sanitary sewer system in accordance to Section 613 of this Ordinance.

2. If the proposed subdivision or land development is unable to connect to an existing municipal sanitary sewer system, on-lot sewage disposal systems meeting the requirements of the Pennsylvania Department of Environmental Protection must be installed and maintained accordingly.

3. The subdivision or land development plan shall be rejected unless either:

    A. On-lot sewage disposal systems are proposed which meet the regulations of the Pennsylvania Department of Environmental Protection; or

    B. The plan proposes connection to a public sanitary sewer system which can be accomplished and is allowed by this section.

4. The plan may not propose to have sewage needs met by use of holding tanks.

**Section 516 <u>Sewage Facilities Analysis and Feasibility Report</u>**

The subdivider or developer shall submit a Feasibility Report concerning the availability and/or adaptability of sewage facilities in or near a proposed subdivision or land development. Said report shall be prepared by a professional engineer and be submitted in conjunction with the preliminary plan for review and recommendation by the local office of the Pennsylvania Department of Environmental Protection (PA DEP). The following describes the contents of the Feasibility Report.

1. The Feasibility Report shall consist of an examination of possible connection to an existing sanitary sewer system and supply system. The study shall include the distance from the nearest public sanitary sewer and the capacity of the existing system to accommodate the proposed subdivision or land development. If connection to an existing public sewage system is found to be feasible, the subdivider shall obtain the required permits from PA DEP prior to plan approval and prior to the construction of any sewer lines. Sewage reserve area shall be required for all existing and proposed lots.

2. As a part of the Feasibility Report, the subdivider shall state the type of sewage disposal system desired for each of the proposed lots. If other than connection to a sanitary sewer line or the installation of a conventional on-lot sewage disposal system (OLDS) is intended on any of the lots, the fact shall be indicated on the plan itself. The Board of Supervisors will approve on-lot sewage disposal systems only when the Township Sewage Enforcement Officer and/or sanitation officer of PA DEP certifies that the proposed sewage disposal

system for each of the lots shown on the plan is suitable for use on that lot. Subdivisions proposing a lot or lots utilizing alternate on-lot sewage disposal systems will not be approved by the Board of Supervisors unless:

A. The Township Sewage Enforcement Officer and/or a sanitation officer of PA DEP certifies that the proposed sewage disposal site cannot reasonably be located so as to enable the lot to utilize a conventional on-lot sewage disposal system; and

B. The lot itself cannot reasonably be redesigned or relocated consistent with the Township Zoning Ordinance and other Township regulations so as to enable utilization of a conventional on-lot sewage disposal system.

3. As a part of the Feasibility Study, there shall be included the results of the soil test probe analyses and soil absorption percolation test on each of the lots as proposed in the subdivision. These soil test probe analyses and soil absorption percolation tests shall be performed in accordance with the regulations of PA DEP and shall be certified as accurate by the Township Sewage Enforcement Officer.

4. If connection to an existing public sewer system is proposed, the subdivider or developer shall so state.

**Section 517 <u>Protection of Groundwater Resources</u>**

The proposed subdivision and land development of any tract shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table, as determined by the Township Engineer through careful planning of land disturbance activities, planting of vegetation, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.

**Section 518 <u>Storm Drainage</u>**

Adequate stormwater management facilities shall be provided in accordance with the requirements of the Shrewsbury Township Stormwater Management Ordinance.

**Section 519 <u>Erosion and Sedimentation Control Requirements</u>**

All subdivision and land development plans, regardless of size, shall address Erosion & Sedimentation Control (E&SC) with respect to any earth disturbance. All E&SC plans shall be designed to prevent accelerated erosion and sedimentation in connection with the land development. The plan shall also contain any additional information as required by the Shrewsbury Township Stormwater Management Ordinance and Pa Code Title 25 Chapter 102, Erosion and Sediment Control.

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

1. Earth disturbances less than 5,000 square feet are required to implement and maintain erosion control measures until the site is permanently stabilized.

2. Earth disturbances over 5,000 square feet to five (5) acres are required to develop a written E&SC plan that meets the requirements of Pa Code, Chapter 102, and implement and maintain the control measures indicated on the plan until the site is permanently stabilized.

3. Earth disturbance of one (1) to five (5) acres, over the life of the project, with a point source discharge to surface water is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit along with having an approved E&SC plan, implement and maintain the control measures indicated on the plan until the sire is permanently stabilized.

4. Earth disturbance of greater than five (5) acres, over the life of the project, is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit along with having an approved E&SC plan, implement and maintain the control measures indicated on the plan until the sire is permanently stabilized.

5. Where the average density of development is greater than one dwelling unit per acre of land, or regardless of density for non-residential development, a grading plan in compliance to the Shrewsbury Township Stormwater Management Ordinance shall be submitted.

6. All lots shall be graded to provide a maximum slope of eight percent (8%). All side yards shall be graded to provide a maximum slope of ten percent (10%). The minimum slope in all yards shall be three percent (3%) positive from the dwelling for the same footage.

**Section 520 <u>Water Quality Requirements</u>**

"Adequate stormwater management for water quality shall be provided in accordance with the requirements of the Shrewsbury Township Stormwater Management Ordinance."

**Section 521 <u>Other Utilities</u>**

**All underground utilities, including storm sewer, must be installed prior to the placement of aggregate, concrete or bituminous materials within the cartway.**

1. Easement, Width and Location – Easements with a minimum width of twenty (20) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures shall be placed within such easements. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

2. Underground Installations – Electric, telephone and all other utility facilities shall be installed underground at the expense of the developer in developments of five (5) or more residential lots (for this purpose, the development shall include all lots which were, on November 10, 1976, owned by the same owner) and in all developments for commercial or industrial use.

3. Natural Gas Lines – All natural gas lines must be installed in compliance with the ASME B31.8 Code for Gas Transmission and Distribution Piping Systems , as amended. The minimum distance from a natural gas line to a dwelling unit must be as required by the applicable transmission or distributing company.

4. Petroleum Lines – Between a proposed dwelling unit and the centerline of a petroleum products transmission line which may traverse the development, there must be a minimum distance of one hundred (100) feet measured in the shortest distance. In instances such that topographic conditions decrease the hazards involved or in which it would cause undue hardship in the efficient layout of the development, the Board of Supervisors may reduce this requirement.

**Section 522 Extension of Public Water & Sewer**

The Township Board of Supervisors deem that it would be in the best interest of the Citizens of Shrewsbury Township to prohibit the extension of public water and sewer beyond established Growth Boundaries and Reserved Growth Boundaries as indicated in the Southern York County Regional Comprehensive Plan, as amended, and as established by the York County Planning Commission, unless otherwise mandated by the Commonwealth of Pennsylvania, Department of Environmental Protection.

1. That public water shall not be extended beyond the established Growth Boundaries and Reserved Growth Boundaries.

2. That public water currently extending beyond the established Growth Boundaries and Reserved Growth Boundaries shall not be further extended.

3. That public sewer shall not be extended beyond the established Growth Boundaries and Reserved Growth Boundaries.

4. That public sewer currently extending beyond the established Growth Boundaries and Reserved Growth Boundaries shall not be further extended.

**Section 523 Other Public Sites**

In large-scale land developments the dedication of sites for other appropriate public uses, such as but not limited to schools, libraries, and public services buildings and water producing sites may be required. Such areas or sites must be of a character, extent, and location as to be clearly related to the local and neighborhood needs of the residents of the development. No land may be required for dedication which would primarily serve the need of the Township as a whole as distinguished from the development or neighborhood.

**Section 524 Trees, Landmarks and Historic and Archaeology Significance**

The subdivider or developer shall be required to preserve all historic trees and landmarks. The design of any improvements to the parcel shall retain and preserve these features to the greatest extent possible. The Board of Supervisors may approve the removal of such features if such removal is necessitated by the proposed improvements such as driveways, parking facilities and structures,; provided however, such improvements must be located so as to avoid necessitating such removal, if possible.

1. The developer/owner shall be responsible for contacting the Pennsylvania Historic and Museum Commission (PHMC) to verify historical and/or archaeology significance of the site, trees and landmarks.

2. If significance is documented, the Township may require review of the proposed development by PHMC.

3. If significance is documented, the subdivider or land developer shall adhere to the standards for the protection of trees during construction, as listed in the Shrewsbury Township Construction and Materials Specifications for Subdivision and Land Development.

**Section 525 Watercourse and Drainageways**

Where a subdivision or land development is traversed by a watercourse, stream, channel or other drainageway, the developer must provide a drainage easement conforming substantially to the Critical Environmental Area provisions in the Township Zoning Ordinance. The easement must be a width adequate to:

1. Preserve the unimpeded flow of natural drainage.

2. Widen, deepen, relocate, improve or protect the drainageway.

3. Install a storm water sewer.

Any changes in the existing drainageway must be approved by the U.S. Army Corps of Engineers.

**Section 526 Landscaping, Buffering and Screening**

1. All landscaping, buffering and screening shall be in accordance with Article 700 of this Ordinance.

2. Obstruction to Vision. No shrubs or trees shall be permitted within any required clear sight triangle or within ten (10) feet of the right-of-way line adjacent to access drives and public rights-of-way with exception of approved street trees. All street trees shall be kept free of branches and foliage from the ground level to a height of at least eight (8) feet above sidewalks and fourteen (14) feet above streets.

3. Plants shall not be placed where they might interfere with the construction, use or maintenance of any public or private sewage disposal system, water supply or other utility/facility including sidewalks.

**Section 527 Prohibited Subdivision or Land Development**

In no case shall a subdivision or land development plan be approved if it proposes a subdivision or land development inconsistent with:

1. Any provision of any agricultural conservation easement or other easement restricting or limiting subdivision or development of the tract;

2. Any provision of the Township Zoning Ordinance or other relevant Township Ordinances; or

3. Any provisions of any deed restriction or covenants which limit or restrict subdivision or development of the tract.

**Section 528 Grading**

1. Purpose. The purpose of this section is to protect, maintain and enhance the public health, safety and general welfare by establishing minimum requirements and procedures to control adverse impacts associated with grading of land, including erosion and sedimentation that would likely result in damage to off-site private and public property and have adverse impacts to seeps, springs, ponds, streams or watercourses.

2. General Requirements for Grading

   A. A zoning permit may be required for the grading of land within Shrewsbury Township in accordance with the Township Zoning Ordinance and following the approval of a grading plan. In the case of all residential construction, including proposed dwellings, additions and accessory structures involving earth-moving activities, a grading plan shall be submitted with the permit application. In the case of commercial, industrial and institutional construction involving earth-moving activities, a grading plan shall be submitted with the required land development plan.

      (1) A grading plan shall contain the following minimum information:

         a. The area or lot to be graded shall be drawn at a scale of one (1) inch equals one hundred (100) feet or less. All individual lot grading plans within a subdivision shall be presented at the same scale. The Township at its discretion may require an overall grading plan for the entire subdivision at one time.

         b. Identification of seeps, springs, wetlands, flood plains, watercourses, topography, woodlands and individual specimen trees or other significant natural resources and the location of any improvements.

         c. The location of erosion and sediment control structures or controls as approved by the York County Conservation District.

         d. Present and finished grade contours sufficient to accurately represent the impact of the proposed grading activity.

3. General Requirements for Grading Standards

   A. No grading can occur unless an erosion and sediment control plan has been approved by the York County Conservation District and fully implemented on site.

   B. No grading may occur until and unless the Shrewsbury Township Engineer and Shrewsbury Township Zoning Officer have approved the "grading plan".

   C. All grading shall conform to the following standards:

      (1) Cut and fill slopes

a. Cut slopes. If when grading a lot or parcel the new grade is lower than the surface or ground level of the adjoining property, the new grade shall meet the existing grade at the property line, at a maximum angle equal to one (1) foot vertical to three (3) feet horizontal or a retaining wall shall be built entirely on the ground of the owner causing the grading that is set back a minimum of five (5) feet from the property line.

b. Fill slopes. If when grading a lot or parcel for residential use, the new grade is raised above the surface of the ground level of the adjoining property, the fill shall be sloped down to meet the existing grade on an angle less than the angle of repose of the material, but not steeper than one (1) foot vertical to three (3) feet horizontal; and at no point shall the slope, plus an adequate storm drain system or swale extending to an approved termination, extend beyond the adjoining property line or a retaining wall shall be built that is set back a minimum of five (5) feet from the property line.

c. Cut and fill slopes for areas not designated for residential use may be graded to an angle equal to one (1) foot vertical to two (2) feet horizontal.

d. No filling, grading or disturbance of land shall occur in a Critical Environmental Area except in accordance with Section 511 and Section 712 of this Ordinance. Isolated areas of slope in excess of twenty-five (25) percent, not contiguous to other areas of slope in excess of twenty-five (25) percent, which cumulatively do not exceed one quarter (1/4) acre or ten thousand eight hundred and ninety (10,890) square feet, may be regarded or disturbed.

e. No earthmoving, grading or construction shall occur with twenty (20) feet of the location of any percolation test performed to create an approved site for an on-site sewage disposal system or for a sewage reserve area excepting, however, this provision shall not apply in the event the sewage system has been installed or has been designed, in which event earthmoving, grading or construction activity may occur but may not occur over the area where the installed sewage disposal system is located or where the designed sewage disposal system will be located.

(2) Organic matter in fill materials. All stumps, logs and wood materials of any kind shall be removed from any fill material. Fill material must be so constituted so as to retain its compaction density over time so that sinking or heaving is not likely. Fill material may contain rubble provided it is in small, compactable form.

(3) Work done in violation. On any property where grading is being done in violation of the grading permit requirements set forth in this ordinance, the owner shall, upon notification from the Zoning Officer, cease all grading and construction activity, install such temporary sediment control measures as the township determines as necessary to control soil erosion and submit the plans and security necessary to obtain the required permit.

(4) Restoration of damaged adjacent property. When damage occurs on property adjacent to a construction site due to any grading operation or failure of any sediment

control measures, it shall be the responsibility of the permit holder or designated agent to contact the owner of the damaged property and attempt to obtain permission to enter onto the property and restore the damaged area, as near as possible to its condition prior to said damage.

(5) Notice prior to beginning work. The permit holder shall notify the Zoning Officer at least twenty-four (24) hours prior to commencing any grading operation.

**Section 529 Drainage**

1. In addition to the requirements set forth in this Section, all drainage facilities shall be in compliance with the Shrewsbury Township Stormwater Management Ordinance.

2. Drainage Required. No principal building may be erected, structurally altered, or relocated on wetlands or areas considered Critical Environmental Areas as described and delineated in Article 10 of the Shrewsbury Township Zoning Ordinance, nor may such building be erected, structurally altered, or relocated if such erection, alteration or relocation will alter drainage so as to adversely affect neighboring properties by causing erosion, swamping or ponding, and shall not increase storm water flow over pre-construction levels.

3. Roof Drain Seepage Pits. All dwellings, roofed accessory buildings, or structures in excess of eight hundred (800) square feet floor area, must use roof drain seepage pits for storm water. Farm buildings or structures are exempt. Such pits shall be constructed in accordance with the detail in the chart below and the following criteria:

    A. All seepage pits shall comply with applicable regulations in Article X of the Shrewsbury Township Zoning Ordinance, and Construction Specifications Manual in addition to these provisions.

    B. Seepage pits must provide a volume of one (1) cubic foot for every two (2) square feel of roof surface.

    C. AASHTO #1 (PennDOT #4) stone must be used in the seepage pit.

    D. A filter cloth liner must be used on the sides, top and bottom of the seepage pit.

    E. Seepage pits must be located a minimum of ten (10) feet from the wall of a dwelling, swimming pools, property lines, driveways and septic areas, including sewage reserve areas.

    F. The inlet pipe for the seepage pit must be no less than four (4) inches in internal diameter and shall have an aboveground overflow tee with a cap and weep hole.

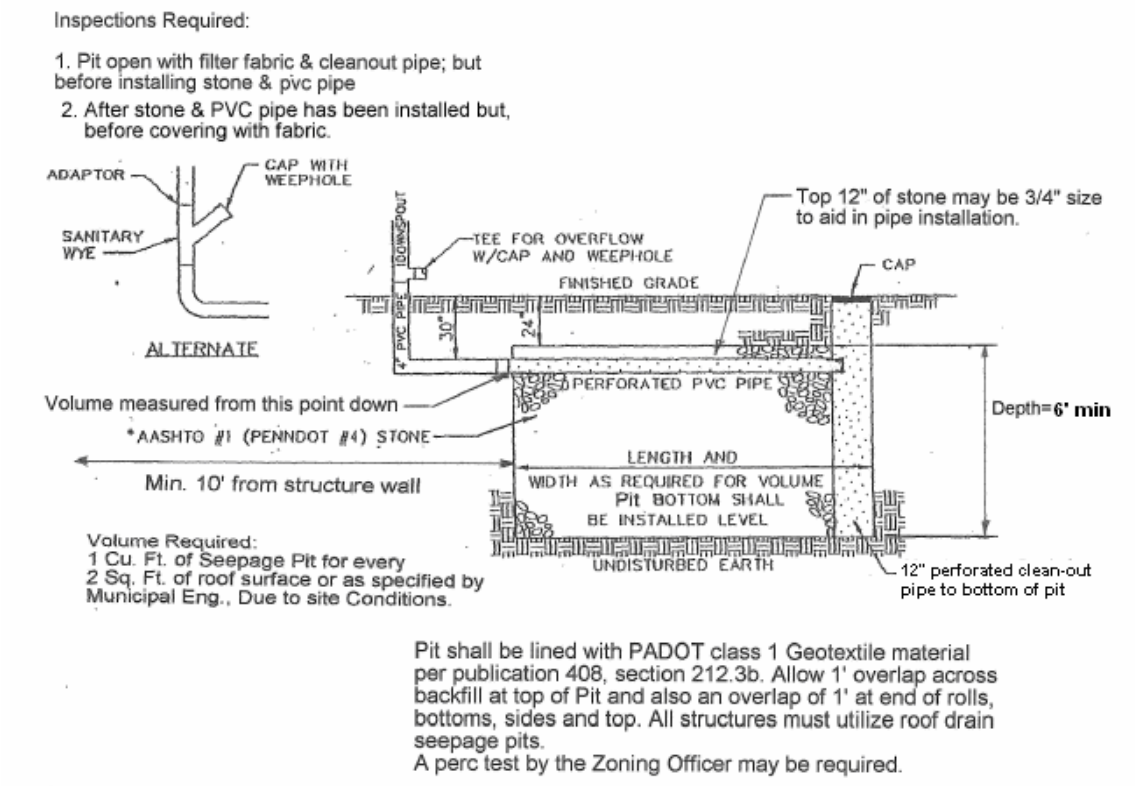
    G. A seepage pit shall have a capped, perforated clean-out pipe for access to the pit.

    H. Prior to installation of a seepage pit, a soil percolation test may be required by the Zoning Officer.

    I. Inspections:

(1) Pits open with fabric and cleanout installed.

(2) A pit with stone and all related piping from building, but piping is not covered.




**DETAIL**
**TYP. ROOF DRAIN SEEPAGE PIT**
**scale: none**

4. <u>Drainage Upon Streets</u>

   A. In order to prevent improper surface water drainage upon streets, each building erected, structurally altered or relocated, and its driveways, must be at a grade in satisfactory relationship with one of the following:

      (1) The established street grade, or

      (2) The proposed street grade where none is established.

5. <u>Drainage Upon Neighboring Properties</u>: Slopes

   In order to protect the neighboring property owners, and to limit alterations to topography, no change in the existing topography or existing drainage of any land may be made which would:

   A. Result in an unstable slope of more than one (1) foot vertical to three (3) feet horizontal within twenty (20) feet of a property line, or

B. Alter the existing drainage or topography in any way so as to adversely affect neighboring property; or

C. Fail to comply with the requirements of Section 500 of the Shrewsbury Township Subdivision and Land Development Ordinance which requirements are incorporated herein by reference.

6. Drainage Upon designated Sewage Reserve Areas

A. No channeled flow shall be directed toward sewage reserve areas.

B. No roof run-off infiltration structure shall be placed within twenty (20) feet of a designated sewage reserve area.

PAGE INTENTIONALLY BLANK

# ARTICLE 600

## IMPROVEMENTS

### CROSS REFERENCES

Shrewsbury Township Zoning Ordinance, as amended.

Shrewsbury Township, Construction and Materials Specifications for Subdivision and Land Development, as adopted by resolution and revised.

Commonwealth of Pennsylvania Department of Environmental Protection, Sewage Facilities Act (Act 537), as amended.

Commonwealth of Pennsylvania Department of Transportation; Standards for Roadway Construction Series RC-1M to 100M; Publication 72M, April 2000 Edition, as amended.

Commonwealth of Pennsylvania Department of Transportation; Specifications; Publication 408/2003 as amended.

"Pedestrian Facilities," Pennsylvania Department of Transportation Design Manual, Part 2

Penn State College of Agricultural Science, Landscape Tree Fact sheets including Evergreens for Screens, Third Edition, as amended

Penn State College of Agricultural Science, Compatible Tree Fact sheets for Electrical Lines and Restricted Spaces, as amended

U.S. Department of Agriculture Soil Conservation Service, "Engineering Field Manual", Agricultural Handbook No. 387 "Ponds", and Technical Release No. 55 "Urban Hydrology for Small Watersheds"

South Branch Codorus Creek Watershed Act 167 Storm Water Management Plan.

The Americans with Disabilities Act of 1990, as amended.

Illuminating Engineering Society of North America (IESNA) Lighting Handbook

Water Well Drillers License Act (Act 610), of May 29, 1956.

Institute of Transportation Engineers Trip Generation Manual

The Highway Capacity Manual published by the Transportation Research Board

A Policy on Geometric Design of Highways and Streets, 5th Edition, AASHTO "Green Book"
Pennsylvania Natural Diversity Inventory (PNDI)

**Section 601 Monuments and Markers – Lots**

The following requirements with respect to materials, placement, location and removal.

1. Specifications – Monuments and markers must be constructed as follows:

| | Material | Minimum Size |
|---|---|---|
| Monument | concrete | 6" X 6" X 30" |
| Marker | Iron pipes or #6" Rebar | 36" X ¾" diameter |

2. Placement and Marking – Monuments and markers must be placed by a professional land surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments must be marked on top with a copper or brass dowel cast with ½" rebar for detection by a metal detector.

3. Location of Monuments – Monuments must be set at the intersection of lines forming angles in the boundaries of the development and at the intersection of street lines.

4. Location of Markers – Markers must be set at the following locations:

   A. At the beginning and ending of curves along street and property lines.

   B. At points where lot lines intersect curves either front or rear.

   C. At angles in property lines of lots.

   D. At all other lot corners, except makers are not to be located in streets.

5. Removal – Any monuments or markers that are removed must be replaced by the professional land surveyor at the expense of the individual removing them.

**Section 602 Pavement Surface**

1. Streets shall be surfaced to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the developer and approved by the Township in accordance to Article 500 of this Ordinance.

   A. Before paving the street surface, the developer shall install required utilities and provide, where necessary, adequate surface drainage for streets, as required by this Ordinance.

   B. The minimum standards for roadway construction and paving for streets in residential subdivisions are subject to the specifications identified in the Shrewsbury Township Construction and Materials Specifications for Subdivision and Land Development as adopted and revised by resolution.

C. The minimum standards for roadway construction and paving for streets in commercial and industrial zoning districts as shown on the Township's Zoning Map shall be designed by an Engineer.

(1) A report with accompanying calculations shall be submitted to the Township Engineer for review and approval.

(2) The design shall consider and include:

a. Traffic loading over a twenty year period,

b. Initial and terminal serviceability,

c. Roadbed resilient modulus or CBR value, and

d. Design structural number.

2. The Township shall decide if a collector or arterial street is required as a direct result of the construction of the development, in which case the developer is responsible for paving the additional width and depth required.

**Section 603 <u>Curbs</u>**

1. In all subdivisions, curbs must be installed on all public streets as needed to control storm water runoff and prevent erosion and deterioration of streets.

2. Curbs must be designed and installed in accordance with the Township's Construction and Materials Specifications for Subdivision and Land Development, as adopted and revised by resolution.

3. On minor or local streets, rolled curb or vertical curb may be used.

4. On collector or arterial streets, only the vertical curb shall be used.

5. The transition from one (1) type of curb to another shall be effected only at a street intersection.

6. Vertical curbing is required for all drives and parking areas in excess of five (5) parking spaces; rolled bituminous curbing will not be accepted.

**Section 604 <u>Gutters</u>**

In areas where curbing is not used, suitable gutters must be installed to avoid erosion. Gutter design must be approved by the Township Engineer. The Township may require installation of curbs and/or gutters in any subdivision where the evidence indicates that such improvements are necessary for proper drainage.

**Section 605 Alleys**

1. Alleys are permitted in all residential developments.

2. In commercial or industrial districts, alleys are required except where other definite and assured provision is made for service access such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

3. No part of any dwelling, garage, or other structure may be located within sixteen (16) feet of the centerline of an alley.

**Section 606 Sidewalks**

1. Sidewalks shall be required for all development located in the Suburban Residential and Suburban Residential Receiving Districts as defined by the Shrewsbury Township Zoning Ordinance.

    A. The Township shall require installation of sidewalks along both sides of all public streets. Sidewalks are required to provide access to and/or within the proposed development and the community as a whole.
    B. Sidewalks must be improved to provide safe and adequate access for pedestrians for the following purposes and circumstances.

2. Sidewalks must be provided in all proposed residential developments in the Rural Residential and Rural Residential Receiving zoning districts, unless the subdivision design includes a pedestrian path system accessible by all lots and connects with existing sidewalks in adjacent developments.

3. Sidewalks must connect to sidewalks in existing developments.

4. Sidewalks must provide access to community facilities such as schools, shopping areas, recreation areas and cultural and community facilities.

5. All sidewalks shall be designed and constructed in accordance with the Township's Construction and Materials Specifications for Subdivision and Land Development and in accordance with the following general standards.

    A. Location – The sidewalk must commence one (1) foot inside the right-of-way line and extend toward the curb line with minimum two (2) feet grass strip between the curb or edge of street and the sidewalk.

    B. Width – Sidewalks must be at least four (4) feet wide. When adjacent to shopping centers, schools, recreation areas and other such facilities, sidewalks must be at least six (6) feet wide and located within the street right-of-way.

    C. Planting Strip – A planting strip must be provided between the curb and sidewalk. The width of the grass should be no less than two (2) feet to allow for proper maintenance and upkeep.

D. Handicap Ramps – Handicap ramps shall be provided at all intersections and other locations necessary to provide proper pedestrian circulation as per the requirements of the Americans with Disabilities Act of 1990, as amended.

E. Crosswalks – Where considered necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other facilities, pedestrian crosswalks shall provide a minimum ten (10) foot right-of-way, and be designed and improved in accordance with Chapter 8 "Pedestrian Facilities," Pennsylvania Department of Transportation Design Manual, Part 2.

F. Drainage – All sidewalks shall be graded to discharge stormwater runoff and shall have a minimum cross slope of two (2) percent.

6. A pedestrian interior walk shall be required for blocks greater than eight hundred (800) feet in length to assist circulation or provide access to community facilities. Such pedestrian walkways shall have a right-of-way width not less than ten (10) feet and a paved walk surface of not less than six (6) feet wide.

**Section 607 Pedestrian/Bike Paths**

1. Pedestrian/bicycle paths should enhance pedestrian and bicycle travel where the existing circulation system does not serve these patrons well, or where abandoned railroads or other open spaces provide corridors free of obstacles.

   Such multi-use paths should not be a substitute for an adequate sidewalk system. For connecting open space, residential areas, schools, playgrounds and other community facilities

2. The following guidelines should be considered for the installation of pedestrian and bike paths:

   A. All paths shall connect to the street system in a safe and convenient manner.

   B. Well defined right-of-way (easement) 10' width, maximum average grade is 5% not to exceed 15%.

   C. Provide benches and rest areas along pathways

   D. All path connections shall be clearly marked with destination and directional signing.

   E. All paths shall be located in corridors that provide access to residential areas and community facilities such as schools, shopping areas, recreation areas and cultural sites.

   F. All paths shall be built in locations that are visible and easily accessible, for the personal safety of users.

   G. Paths shall be designed in such a manner that motor vehicle crossings can be eliminated or significantly minimized. Where crossings exist, they must be carefully

designed to ensure the safety of the users. Vehicular conflicts with common open space pathways are discouraged.

H. All paths shall be constructed of durable, low-maintenance materials, with sufficient width and clearance.

I. Paths shall be maintained in usable condition throughout the year depending on level of use, including snow removal as appropriate.

3. All pedestrian paths that function as a sidewalk because of location, the places served, or predominance of pedestrian use, shall be designed according to accessibility guidelines under the Americans with Disabilities Act of 1990 (ADA).

4. The owner(s) of any pedestrian path(s), prior to final plan approval, shall execute and record an Ownership and Maintenance Agreement for the improvements and maintenance of said path(s).

**Section 608 <u>Street Trees</u>**

All street trees shall be planted and maintained in accordance with the provisions set forth in Section 709 of this Ordinance. Detailed street tree specifications contained in the Township Construction and Materials Specifications for Subdivision and Land Development must be met.

**Section 609 <u>Landscaping</u>**

The subdivider or land developer shall complete the landscaping proposed in the landscaping plans submitted pursuant to the provisions of Section 526 and Article 700 of this Ordinance in addition to any requirements as set forth in the Township Zoning Ordinance. The property owner is responsible for maintenance of the required landscaping. Maintenance of landscaping includes watering, pruning, fertilizing and disease control and replacement of dead plantings.

**Section 610 <u>Street Lights</u>**

1. For the safety, convenience and attractiveness of the subdivision or land development, street lights shall be required in all major subdivisions in all residential zoning districts as delineated in the Shrewsbury Township Zoning Ordinance.

   A. The Board of Supervisors may require the installation of either public street or pedestrian lights or private owner-maintained street lights. If public street lights are required, they shall be spaced no more than three hundred (300) feet apart or as recommended for residential subdivisions by the lighting manufacturer of the lights to be used and shall be designed so as not to create unreasonable glare.

   B. As may be applicable, there shall be two (2) street lights installed at intersections in major residential subdivisions.

C. For blocks greater than eight hundred (800) feet in length and requiring a pedestrian interior walk as specified in Section 508.5.B of this Ordinance, street lighting shall be provided at the intersection of such pedestrian interior walk and all streets.

2. If private-owner maintained street lights are to be installed, they must utilize fifty watt high pressure sodium post lights and be equipped with an electric eye. The subdivider or land developer must make adequate provision to ensure the perpetual maintenance of such private-owner maintained street lights and to ensure that the fifty watt high pressure sodium post lights continue to be used and that the electric eye is not modified or adjusted by the owner so as to preclude the light from functioning as designed.

3. Commercial or industrial access roads and parking lots will be required to provide adequate lighting as deemed reasonably necessary by the Board of Supervisors to provide for the public safety.

4. The design and plan for street lighting shall be submitted by the subdivider or land developer and must be approved by the Board of Supervisors.

5. The following are BMPs preferred by the Township.

A. Lighting shall be used to increase the safety of pedestrians as well as vehicles while contributing to the character of the overall community.

B. Applicability. Where required, all street lighting shall be installed in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook. Future amendments to said recommended practices shall become a part of this section without further action of the Township. No street lighting shall be permitted that exceeds the IESNA standards.

C. Street and Other Lighting fixture design

(1) Externally illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed downward. Such fixtures shall be automatically extinguished between the hours of 11:00 p.m. and dawn except as specifically approved by Shrewsbury Township.

(2) Except as specifically approved by Shrewsbury Township, fixtures meeting IESNA "full-cutoff" criteria shall not be mounted in excess of 20 feet above finished grade, and fixtures not meeting IESNA "cutoff" criteria shall not be mounted in excess of 16 feet above grade.

(3) Directional fixtures for such applications as façade, fountain, feature and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated, shall be extinguished between the hours of 11:00 p.m. and dawn.

(4) Canopy lighting shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be level with or below the light source.

(5) Electrical feeds shall be run underground.

D. Plan submission

For subdivision and land development applications where site lighting is required by this section or proposed, lighting plans shall be submitted to the Township for review and approval and shall include:

(1) A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, containing a layout of all proposed fixtures by location and type.

(2) The lighting plan shall include a description of all cabling, poles, fixtures and all other equipment required for a complete street lighting system.

(3) Isofootcandle plots for individual fixture installations, or ten-foot by ten-foot luminance-grid plots for multi-fixture installations, which demonstrate compliance with the intensity and uniformity requirements as set forth in this section.

(4) Description of the proposed equipment, including fixture catalogs cuts, photo metrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.

E. Lighting controls

(1) For lighting horizontal tasks such as roadways, sidewalks, entrances and parking areas, fixtures shall meet IESNA "full-cutoff" criteria (no light output emitted above 90° at any lateral angle around the fixture). Individual fixtures whose aggregate lamp output does not exceed 1,800 lumens are exempt from this requirement.

(2) The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and spheres and other fixtures not meeting IESNA "full-cutoff" criteria shall be permitted only with the approval of the Township, based upon achieving acceptable glare control.

(3) When requested by the Township, fixtures shall be equipped with or be modified to incorporate light directing and/or shielding devices such as shields, visors, skirts or hoods to redirect offending light distribution and/or reduce direct or reflected glare.

(4) NEMA-head fixtures, a.k.a., "barn lights" or "dusk-to-dawn lights," shall not be permitted where they are visible from other uses unless fitted with a reflector to render them full-cutoff.

F. Control of nuisance and disabling glare

(1) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

(2) Floodlights and spotlights, where specifically approved by the Township, shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, skyward or onto a public road.

(3) Unless otherwise permitted by the Township; e.g., for safety or security or all-night operations, lighting for commercial, industrial, public recreational and institutional applications shall be controlled by automatic switching devices, such as time clocks or combination motion detectors and photocells, to permit extinguishing offending sources between 11:00 p.m. and dawn, to mitigate nuisance glare and sky-lighting consequences.

(4) Lighting proposed for use after 11:00 p.m., or after the normal hours of operation for commercial, industrial, institutional or municipal applications, shall be reduced by seventy-five percent (75%) from then until dawn, unless supporting a specific purpose and approved by the Township.

(5) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

(6) The intensity of illumination projected onto a residential use from another property shall not exceed 0.1 vertical foot-candle, measured line-of-site at the property line.

G. Maintenance. Lighting fixtures and equipment shall be maintained so as always to meet the requirements of this section.

## Section 611 Street Signs

1. The size, location, placement, materials and configuration of all roadway signs shall be in accordance with the requirements of PennDOT and the Township as specified in the Construction and Materials Specifications for Subdivision and Land Development.

2. Street names signs and traffic control devices must be placed at all intersections.

3. All regulatory, warning and directional signs meeting current design standards as established by PennDOT shall be provided and installed by the Township at the developer's expense.

**Section 612 Resource Conservation Standards for Site Preparation and Cleanup**

The following conservation practices during site construction and cleanup are applicable.

1. Protection of Vegetation from Mechanical Injury. Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the limit of disturbance shall be delineated in accordance with Section 510, and vegetation shall be protected, specifically tree roots from mechanical compaction due to proximity of heavy equipment through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.

2. Protection of Vegetation from Grading Change. Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.

3. Protection of Vegetation from Excavations. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized.

    A. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

4. Protection of Topsoil.

    A. A note shall be placed on the plan, pursuant to Section 403 of this Ordinance, stating that all topsoil shall be stockpiled at the site along with an adequate volume of subsoil so a minimum of nine (9) inches of topsoil and eighteen (18) inches can be provided over all graded or disturbed areas. If, however, it is demonstrated that a minimum of eighteen (18) inches of subsoil depth remains after site grading, no subsoil needs to be stockpiled or otherwise obtained.

    B. No topsoil shall be removed from the site without prior written permission from the Township CEO, which shall only occur after a minimum of nine (9) inches of topsoil has been placed on all undeveloped areas and, in addition, utilized for berms, buffer strips, as well as for all other landscaping needs.

    C. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydroseeding on slopes of less than ten percent, and by sodding, hydroseeding, or rip-rap on slopes exceeding ten percent.

    D. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.

**Section 613 Sewage Disposal**

1. Connection to Existing Sanitary Sewer System.

   A. Where an existing or proposed municipal sanitary sewer system is within one thousand (1000) feet of the proposed land development, except in the Agricultural, Rural Residential and Rural Residential Receiving zoning districts as delineated in the Township Zoning Ordinance, the developer shall provide the development with a complete sanitary sewer system ready to be connected to the existing or proposed sanitary sewer system unless the developer conclusively demonstrates that such connections are infeasible. In this situation, the following requirements must be met.

   B. The plan for the installation of a sanitary sewer system must be prepared for the development and approved by the Township Engineer and the Pennsylvania Department of Environmental Protection. The Township Engineer must inspect the sewer line before it is covered over. Upon completion of the sanitary sewer installation, the plan for the system as built must be filed with the Township.

   C. Any sewer pipe main must be at least eight (8) inches in diameter and any sewer lateral must be at least four (4) inches. Storm sewers may not be connected with sanitary sewers.

   D. Manholes shall be located generally at intervals of two hundred fifty (250) feet and in no case more than four hundred (400) feet. Manholes area also required at all points of change of course or grade and at all points of intersection of sewer lines.

   E. All sanitary sewer systems located in any of the areas identified as being subject to the one hundred (100) year flood in the most recent Flood Insurance Study prepared for Shrewsbury Township by the Federal Insurance Administration, whether public or private shall be flood-proofed up to the one hundred (100) year flood elevation.

2. Private Sewage Disposal System Requirements.

   A. Where installation of a public sanitary sewer system is not required, the developer or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewerage disposal system consisting of a septic tank and tile absorption fields and reserve field or other system approved by PA DEP and acceptable to Shrewsbury Township.

   B. If on-site subsurface sewage disposal systems are to be used, they must be laid out in accordance with at least the minimum standards of the Township's Sewage Facilities Act (Act 537). The Township and/or the PA DEP must inspect and approve each on-site sewage disposal system.

   C. No installation of sewage disposal facilities requiring soil absorption system shall occur where such system will not function due to high ground water, flooding, or unsuitable soil characteristics or where such systems are proposed for location in any of the areas identified as being subject to the one hundred (100) year flood in the most

recent Flood Insurance Study prepared for Shrewsbury Township by the Federal Insurance Administration.

**Section 614 <u>Water Supply</u>**

1. Where a municipal water supply system is within one thousand (1000) feet of the land development, as required by the Township Zoning Ordinance the developer shall provide the development with a complete water main supply system to be connected to an existing water supply system, and a sufficient water supply to meet the municipal water needs of the proposed development.

2. The plan for the installation of the mains of a water supply system must be prepared for the development with cooperation of the municipal water utility company and approved by the Township Engineer. Upon the completion of the water supply system, on copy of the plan for the system as built must be filed with the Township.

3. Where the connection to a municipal water supply system is not possible or feasible, the developer shall provide for each lot or dwelling unit, at the time improvements are erected or installed, an individual water supply system. All such individual systems shall meet all applicable regulations of the Pennsylvania Department of Protection (PA DEP).

4. All water supply systems or portions thereof located in any of the areas identified as being subject to the one hundred (100) year flood in the most recent Flood Insurance Study prepared for Shrewsbury Township by the Federal Insurance Administration, whether public or private shall be flood-proofed up to the one hundred (100) year flood elevation.

**Section 615 <u>Storm Water Detention Basin</u>**

1. Whenever the evidence available to the Township indicated that a Storm Water Detention Basin is necessary to control the rate of storm water runoff from the site, the developer shall install a Detention Basin in accordance with approved design, calculations, plans and profiles.

   A. All Detention Basins shall meet the design and construction requirements of the following:

      (1) The most recent editions of the U.S. Department of Agriculture Soil Conservation Service, “Engineering Field Manual”, Agricultural Handbook No. 387 “Ponds”, and Technical Release No. 55 ”Urban Hydrology for Small Watersheds” and be designed on the basis of a one hundred (100) year storm.

      (2) The Shrewsbury Township Construction and Materials Specifications for Subdivision and Land Development.

      (3) Any adopted Act 167 Storm Water Management Plans within Shrewsbury Township.

2. The subdivider shall provide for continuing maintenance of such storm water detention basin by the owners of land on which the same is located and shall further provide for an easement

enabling the Township to perform emergency maintenance in the event the property owner should fail to do so and shall establish a procedure whereby the Township shall be able to assess the cost of such emergency maintenance upon the owner of the land where the detention basin is located by the filing of a municipal lien.

3. Where the subdivision or land development proposing the storm water detention basin proposes residential development, the slopes on such detention basin may not exceed two and one-half to one.

4. Landscaping of Storm Water Management Facilities shall be in accordance with Section 713 of this Ordinance.

**Section 616 <u>Storm Drainage</u>**

Whenever the evidence available to the Board of Supervisors indicated that natural surface drainage is inadequate to meet the requirements of this Ordinance, the developer shall install a storm water sewer system in accordance with approved plans and profiles. The installation shall be approved by the Township Engineer and shall meet the requirements of this Ordinance and the Shrewsbury Township Stormwater Management Ordinance, as well as the South Branch Codorus Creek Watershed Act 167 Storm Water Management Plan for locations within the defined watershed.

**Section 617 <u>Fire Hydrants</u>**

1. Fire hydrants shall be installed if a water source is capable to serve them in accordance with the requirements of the local fire authority. Fire hydrants, if provided, shall be located within five hundred (500) feet of any dwelling unit or structure open to the public. Fire hydrants shall be installed in accordance with all applicable regulations. Fire hydrant locations shall be reviewed by the Fire Chief.

2. A note shall be placed on the plan:

   *No vegetation may be planted within ten (10) feet of any fire hydrant which may obstruct the use of the hydrant. No alteration, including painting, shall be allowed.*

**Section 618 <u>Other Utilities</u>**

All gas lines, underground electric lines, underground telephone lines and other utilities located in any of the areas identified as being subject to the one hundred (100) year flood in the most recent Flood Insurance Study prepared for Shrewsbury Township by the Federal Insurance Administration, whether public or private shall be flood-proofed up to the one hundred (100) year flood elevation.

**Section 619 <u>Wells</u>**

1. All wells must be sited, improved and maintained in accordance with regulations and guidelines set forth by the Pennsylvania Department of Conservation and Natural Resources (PA DCNR).

2. All individual water supply wells shall be constructed by a PA DCNR-licensed water well driller.

3. All well abandonment's must be completed in accordance with the Water Well Drillers License Act (Act 610), of May 29, 1956.

**Section 620 Noise Abatement**

1. General.

   A. Noise sensitive land uses that are located on lots wholly or partly within the locally determined area impacted by traffic noise shall be discouraged.

   B. Required open space may be strategically located between major traffic noise sources and building lots.

   C. Structures shall be oriented with the least window exposure facing the area impacted by traffic noise.

   D. Where multiple uses are planned for a tract, structures shall be situated in a hierarchy based on distance from the areas impacted by traffic noise according to the compatibility of each use with traffic noise.

2. Accessory Structures - Accessory (non-residential) structures and improvements, such as sheds, garages, storage structures, and parking lots, shall be located in closer proximity to areas impacted by traffic noise of the tract than occupied principal structures such as homes or offices.

3. Berms - Earthen berms shall be erected along any residential property line abutting an interstate highway. Such berms shall be erected in accordance with accepted standards for safety and stability. Any berm developed shall be shown in the landscaping plan and shall be designed and constructed in accordance with accepted engineering standards for safety, stability, and traffic noise attenuation.

4. Screening - All Screening shall be in accordance with Article 700 of this Ordinance.

**Section 621 Parking Lots**

Off-street parking lots in Shrewsbury Township shall generally follow low-impact (dispersed) designs wherein storm water runoff is treated as soon as precipitation hits the ground. The goal of the storm water system shall be to retain almost all liquid on the site and all of the pollutants.

All parking lots consisting of 10 or more parking spaces shall conform to the following requirements:

1. All storm water flowing from paved surfaces shall be filtered for sediment, trash, oil and grease, prior to discharge into storm drains or waterways. Filter(s) location(s) and type(s) shall be shown/detailed on grading and drainage plans.

2. If filters are installed, provisions shall be made to ensure adequate maintenance and replacement of private storm water filters. Filters must be cleaned out at least twice a year. Filters must be cleaned out and replaced, if necessary, at any time they are not functioning correctly and water is ponding as a result.

3. Landscaping shall be installed in accordance with Article 700 of this Ordinance

4. Wherever soils allow for adequate infiltration, a porous paver system or porous concrete shall be used for not less than ten percent (10%) of the parking spaces, or the downhill edges of the parking lot, whichever is greater.

5. All parking lots will be required to provide adequate lighting as deemed reasonably necessary by the Board of Supervisors to provide for the public safety. The design and plan for street lighting shall be submitted by the subdivider or land developer and must be approved by the Board of Supervisors. At a minimum, such lighting shall:

   A. Be shielded from the view of all surrounding streets and properties;

   B. Illuminate all portions of the parking area during periods of poor visibility including all after dark operating hours;

   C. All light standards shall be located on protected islands, vegetative islands or other planting areas and not on the parking surface.

   D. The lighting facilities shall be planned, erected, and maintained so the light is confined to the property and will not cast direct light or glare upon adjacent properties or public right-of-way.

   E. All outdoor lighting shall comply with the performance standards set forth in Article 13 of the Township Zoning Ordinance.

6. All off-street parking lot and parking space designs shall conform to the regulations contained in Article 14 of the Shrewsbury Township Zoning Ordinance, and Construction and Materials Specifications for Subdivision and Land Development.

**Section 622 <u>Traffic Impact Assessment</u>**

Traffic Impact Assessments shall conform to the following:

1. <u>Purpose.</u> To provide the Township Planning Commission and the Township Board of Supervisors with an opportunity to:

   A. Identify the existing traffic network and facilities relative to the project.

   B. Identify the existing traffic/transportation problems.

   C. Ensure safe access to the site

   D. Determine the effects of the development on the existing transportation facilities.

E. Identify solutions to future traffic/transportation problems.

2. Requirement. A traffic assessment shall be submitted with the Preliminary Plan for subdivisions and land developments that meet any of the following criteria:

   A. Residential. All major subdivisions involving more than five (5) dwelling units.

   B. Non-residential. Involving greater than ten (10) parking places, whether separately or cumulatively.

   C. A new driveway or roadway connection involving either A or B above;

   D. When the Township finds that there is reasonable grounds to believe the existing transportation network may be inadequate to handle the volume or character of traffic likely to result from the proposed subdivision or land development.

3. Irrespective of 2 above, the provisions herein shall not apply to developments on state roads. In the event the development proposes a connection to a state road, PennDOT Transportation Impact Study Guidelines shall be followed.

4. Qualifications. The assessment shall be prepared by a certified traffic or engineer. The cost to prepare the assessment shall be borne entirely by the applicant. The assessment shall be certified by statement and signature as correct by the preparer.

5. Pre-Study Meeting. A pre-study meeting shall be held between the applicant/developer and township staff including but not limited to the Township Engineer and Township Zoning Officer to determine the scope of the study, limits, and completion date.

6. Contents. The study shall contain information, analyses and conclusions regarding the following:

   A. General Site Description. The property size, location, and proposed land uses; the construction staging and completion rate of the proposed land development; type of residential or non-residential development; other major existing and proposed land developments within the study area; and any other factors that might affect transportation needs for those living and/or working at the site.

   B. Transportation Facilities Description. Existing and proposed internal transportation system (all modes); external transportation system existing or planned (all modes); existing traffic conditions for all roadways and intersections in the study area; and any planned improvements.

7. Transportation Impacts. The description shall include:

   A. An estimation of vehicular trips during the average daily peak highway hours and peak development generated hours resulting from the proposal using trip generation rates for existing facilities, based on existing data or trip generation rates for new developments obtained from Trip Generation Rates Tables found in the latest edition

of the Institute of Transportation Engineers Trip Generation Manual. These development generated traffic volumes shall be provided for the in-bound and out-bound traffic movement as estimated;

B. The assignment and distribution of all volumes generated throughout the study area that identifies the percentage split of turning movements established by existing developments in the surrounding area as designated by the Township;

C. Consideration of traffic generated from approved subdivision and land developments not constructed but within the study area. The cumulative impact of new and existing uses shall be determined;

D. For developments with a completion time greater than one (1) year, a growth rate calculation for background traffic is required for the specified horizon year for the study (normally ten (10) years beyond completion of the project);

E. For areas that have a history of five (5) or more reported crashes over a twelve (12) month period, of types correctable by a traffic control signal, and where each crash involved personal injury or property damage, an accident rate analysis shall be conducted to compare the rate of accidents for a roadway relative to the statewide average for corridors of similar type. The analysis shall be expressed in the number of accidents per million vehicles or million vehicle miles;

F. The analysis of future transportation impact shall include a comparison of "no-build" and "build" scenarios for the specified horizon year for the study;

G. For proposed commercial developments, "pass-by" trips shall be calculated utilizing the Institute of Transportation Engineers Trip Generation Manual;

H. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points;

I. Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation problems shall be noted; and

J. Levels of service for all roadways and intersections in the study area.

8. Conclusions and Recommended Improvements. The conclusions shall include:

A. Recommendations for elimination of the problems causing a level of service below D for signalized intersections and below E for unsignalized intersections, as set forth in the Highway Capacity Manual published by the Transportation Research Board. The recommended improvements shall include, but not be limited to, the following elements:

(1) Internal circulation design.

(2) Site access location and design.

(3) External roadway and intersection design and improvements including the addition of turn lanes.

(4) Traffic signal installation and operation, including signal timing.

(5) Transit design improvements.

All physical roadway improvements shall be shown on the Preliminary Plan;

B. The recommended improvement with build-out of the development shall operate at a level of service no worse than future conditions without the development conditions; and

C. Where applicable, demand management and traffic reduction programs shall be considered.

D. The Shrewsbury Township Board of Supervisors must approve the recommendation of the Traffic Impact Assessment prior to preliminary plan approval.

E. The study shall state when a study intersection will fail.

9. Cost Analysis. The report may identify the fair-share contributions of developers and public agencies for required street improvements based on a per trip fee as determined by the percent impact to any given deficiency and the cost of required improvements. It shall also indicate the basis of rationale underlying these decisions.

10. Modified Study. Whenever a study is required in accordance with Subsection 2 above, or if the Board of Supervisors elects to waive some of the above requirements, a study scope shall be approved by the Board. The scope and contents of the study shall be delineated so as to include only those matters it deems appropriate to aid in the identification and solution of the problems of concern.

**Section 623 Environmental Impact Assessment**

1. Purpose. An Environmental Impact Assessment (EIA) will identify potential adverse impacts as well as opportunities and mitigating measures intended to protect and conserve sensitive and critical environmental areas of the Township.

2. Requirements. An EIA report shall be submitted with the preliminary plan application for developments which meet one of the following criteria:

A. Residential development involving five (5) or more dwelling units or lots.

B. All Major Subdivisions.

C. Non-residential development involving more than 25,000 square feet of gross floor area or more than 100,000 square feet of lot coverage.

D. Any development where the Board of Supervisors determines there are reasonable grounds to believe that an adverse environmental impact is likely to result from the proposed development.

3. Preparation of Report. The EIA report shall be prepared by a qualified professional who shall have experience in the preparation of EIA reports, be independent of the firm who prepared the subdivision or land development plan, and whom is acceptable to the Board of Supervisors. All plans shall be sealed by a professional engineer or professional land surveyed licensed and registered in the Commonwealth of Pennsylvania.

4. Contents.

A. The developer shall demonstrate compliance with all applicable local, state, and federal regulations related to protection of the environment.

B. All EIA reports shall include a map or maps depicting the following, as applicable, and drawn at a scale of not more than 100 feet to the inch:

(1) Geological characteristics defining the location and boundaries of the rock formations and other features such as sinkholes, faults or fractures that may influence the proposed development.

(2) Topographic characteristics highlighting slopes from 0 to 15%, 15 to 25 %, and greater than twenty-five percent (25%).

(3) Soil characteristics.

(4) Hydrological characteristics such as watercourses, wetlands, drainage patterns, watersheds and floodplains; and ground water resources including aquifers and aquifer recharge areas.

(5) All known or suspected hazardous materials and contaminated soils.

C. A table identifying soil characteristics pertinent to the proposed development such as depth to bedrock; depth of water table; flood hazard potential; prime agricultural land; limitations for building site development, sanitary facilities, stormwater management; and wildlife habitats.

D. All development plans involving lands that contain slopes exceeding fifteen percent (15%) shall, at a minimum, include a detailed description of the proposed methods to:

(1) Protect and stabilize areas having a high potential for soil erosion.

(2) Minimize grading and excavation.

(3) Protect water quality from the adverse effects of the proposed use.

(4) Where buildings and other structures are proposed on slopes greater than fifteen percent (15%), a description of the construction methods used to assure adequate foundations.

E. If a proposed development contains wetlands as identified and delineated in accordance with the most current edition of the Federal Manual for Identifying and Delineating Wetlands, the EIA report shall include a letter from the Pennsylvania Department of Environmental Protection (DEP) or U.S. Army Corps of Engineers verifying the wetlands boundaries shall be filed with the Township.

F. The EIA report shall include an identification of the biological resources associated with the site as identified in the Pennsylvania Natural Diversity Inventory (PNDI).

(1) The EIA report shall include a Pennsylvania Natural Diversity Inventory Project Environmental Review Receipt identifying any threatened or endangered species and/or habitats on or near the site.

a. If any species or habitats are identified, a statement of proposed measures and procedures intended to conserve and protect the habitats in which these species occur shall be included.

(2) A letter or other correspondence from appropriate state or federal agencies regarding the adequacy of the proposed protective measures.

(3) The report shall include a narrative describing the proposed methods to:

a. Avoid disturbing any wetlands or other important wildlife habitats during and following construction.

b. Assure the proposed use is compatible with any important habitats, and will remain compatible with those habitats over time.

c. Mitigate the loss of existing habitats, and replace or create additional land areas consisting of similar environmental traits.

G. The EIA report shall include an analysis of the proposed development in terms of beneficial or adverse effects which may result, and the duration of these effects.

(1) Describe where the development adversely affects the resources and characteristics of the site, and how effects are reflected in the design of the subdivision and land development plan.

(2) Describe how possible alternatives such as revised location, redesign, layout or siting of buildings, streets, and other structures, alternate methods of sewage disposal and water supply, reduction in the size of proposed structures or number of structures would preclude, reduce or lessen potential adverse impacts or produce beneficial effects.

(3) Indicate probable adverse effects which cannot be precluded.

(4) Describe proposed methods to mitigate adverse effects, including the type of remedial, protective and mitigative measures proposed.

(5) Indicate any irreversible environmental changes that would occur due to the proposed development, including how the loss would affects the development parcel, the adjacent area, and the Township as a whole.

H. Copies of all required permits from the U.S. Army Corps of Engineers, PA DEP, and other governmental agencies as may be applicable, shall be attached to the EIA report, or a statement that no permits are required.

I. Documentation of the presence of known or suspected hazardous materials or contaminated soils, or a statement that none are known to exist.

(1) If hazardous materials or contaminated soils are present, a statement shall be included in the EIA report to the effect of any possible contaminants and their effect on the neighboring properties and community; and a detailed statement about how possible contaminants and hazardous materials are either to be removed and disposed of or, if they are to remain on site, how current and future property owners are to be protected from contamination.

**Section 624 <u>Groundwater easements</u>**

1. The Pennsylvania Department of Environmental Protection (DEP) provides the following option for lot development where lot size otherwise precludes groundwater mitigation. The subdivider should consult with DEP to ascertain the full range of options available at the time of subdivision.

2. The developer has the option of using the Township's Act 537 Plan findings or establishing the current background level of nitrates using new hydrogeologic readings, or using USGS quad map contour analysis, obtained at his own expense using a licensed hydrogeologist or engineer.

3. For subdivisions where a lot is not large enough to provide the quantity of groundwater recharge sufficient to mitigate the nitrate-nitrogen impact of the on-lot system, reducing the discharge to below an average concentration of 10 mg/l using recorded easements providing the extra land area will be acceptable if:

   A. The easement is located directly abutting and in the down gradient direction of each individual lot. The determination of down gradient can be achieved either by water level measurements or by use of the topography. As this is an extension of the Preliminary Hydrogeologic Study, the professional hydrogeologist or engineer completing the study must make the recommendation. This is often a plume analysis and the easement must contain the plume. A plume may terminate in a creek or stream.

   B. The easement must be clearly located and labeled on the plot plan for recording at the York County Courthouse.

C. The plot plan, the narrative, and the deeds for the new lot, plus the lot on which the easement is to be located and any remainder, must note the following:

*(1) The easement is to provide groundwater recharge for diluting sewage flows on lot(s) _____.*

*(2) The easement will exist until the lot is served by an off-lot public sewage system.*

*(3) The easement will not be covered with impermeable surfaces.*

*(4) The easement area cannot be used to provide groundwater recharge for diluting other sewage flows.*

*(5) No drinking water wells may be drilled within the easement boundaries.*

4. The plot plan and narrative must state specifically the easement location. It must also contain all the language found in Paragraph 3 above. The narrative must state the failure to record all the appropriate deed restrictions concerning the easements on all the properties involved negates both the Township and state planning approval and the lots cannot be created.

5. One easement can be acceptable for multiple lots as long as the recharge easement is directly adjacent and down gradient from each individual system proposed. At no time can a plume cross another property without the creation of a groundwater easement.

6. The applicant shall provide to the Township an agreement signed by the neighboring landowner or landowners, if applicable. This document will disclose what the easement is for, list the restrictions in Paragraph 3 above, and provide a statement that the property owner understands this and intends not only to allow the easement but will allow the easement to be written on his property's deed.

7. In addition to the above DEP requirements, the Township requires that the easement narrative state that the easement area's usage will remain as it was before the easement; i.e., farm ground or natural land.

8. Conditional approval of the use of groundwater easements must be obtained from DEP before final approval of the land development plan. Final approval by DEP is conditioned upon the recording of the easement on the deed(s) at the York County Courthouse.

**Section 625 Solar Orientation and Energy Conservation**

1. All developers are encouraged to use recognized solar design principles and features that will maximize the use of individual building sites for passive solar building construction.

2. Such solar principles include the following:

A. Layout of streets to provide a maximum number of sites with a southern orientation to maximize solar heat gain.

B. Minimum use of north facing building exposures.

C. Protection of solar access.

D. Landscaping to complement solar use and to promote cooling in the summer.

E. Protection of trees.

F. Shading for summer solar exposures.

PAGE INTENTIONALLY BLANK

# ARTICLE 700

## LANDSCAPING

**CROSS REFERENCES**

Shrewsbury Township Zoning Ordinance, as amended

Shrewsbury Township, Construction and Materials Specifications for Subdivision and Development, as adopted by resolution and amended

PA DCNR publication "Invasive Plants in Pennsylvania, most recent edition

American Standard for Nursery Stock", ANSIZ60.1, current edition, published by the American Nursery and Landscape Association (ANLA).

### Section 701 Purpose

The purpose of the landscaping regulations contained in this Article is to enhance health and safety, as well as the quality of life, in the Township. As such, these regulations are designed to promote practical and attractive development within the Township; to provide for screening and buffering; to preserve, protect, and utilize native vegetation, to enhance property value; to promote wildlife habitat; to aid in the reduction of noise, heat, and glare; to conserve energy; to minimize erosion and sedimentation; and to establish a healthier environment. Landscaping shall be conceived in a total pattern throughout the site, integrating the various elements of the site design, preserving and enhancing the particular identity of the site, and creating an inviting site character. Consideration shall also be given to the compatibility with and enhancement of adjacent or off-site landscaping conditions.

Landscaping may include plant materials, such as trees, shrubs, ground covers, perennials, and annuals; natural materials, such as rocks and water; and man-made materials, such as sculpture, art, walls, fences, paving materials, and street furniture.

### Section 702 Scope

1. In general, all land areas within a subdivision or development not containing building or structures or imperious surfaces, or other improvements which preclude landscaping, shall be included in a landscape plan.

2. A Landscape Plan shall be required for each major subdivision plan and for each non-residential land development, other than agricultural. This would include multi-family residential land development. The Plan shall be submitted in conjunction with the Preliminary Subdivision and Land Development Plan submission. The regulations shall not be construed to regulate individual lots for single-family and two-family residential dwellings except for street trees and all areas held in common ownership, storm water management facilities, buffer areas, rights-of-way, and easements.

3. To the extent possible, and consistent with this Section, properties being redeveloped as part of a subdivision or development plan shall satisfy these landscaping requirements.

**Section 703 General Standards**

1. In addition to the requirements of the Natural Resources Conservation Service for soil erosion and sediment control, topsoil removed during the course of construction shall be stockpiled and then redistributed on all regraded, disturbed or undeveloped surfaces so as to provide at least nine (9) inches of even cover. Redistributed soil shall be stabilized by seeding, planting, or mulching in a timely fashion. Areas to be landscaped shall not be used for incompatible uses, such as waste dumps, during construction. Any material such as construction debris shall be removed prior to the placement of topsoil.

2. No stockpiled topsoil shall be removed from the site until all landscaping has been completed and approved.

3. Plants for landscaping shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project.

4. All trees, shrubs, and plants shall have a normal habit of growth; shall be sound, healthy, and vigorous; and shall be free from disease, insects, insect eggs and larvae.

5. No invasive plants, including situational invasive plant species, as listed in the most recent edition of PA DCNR publication "Invasive Plants in Pennsylvania," shall be utilized.

6. The type(s) of plantings shall be limited to species that will not create conditions hazardous to the public safety within public street rights-of-way, underground and above-ground utilities, and clear sight triangles including at all intersections of streets and/or driveways. Such hazards shall include but not be limited to: dead, diseased or low hanging branches; poisonous or toxic plants; and plants with thorns, nettles and spikes.

7. The locations, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as moisture and sunlight.

8. Methods and details for protecting existing vegetation, including trees, during construction shall be provided on the landscaping plan.

9. The requirements and standards prescribed herein shall be the minimum of all landscape and tree protection management plans as required by this Section. Standards established by other Township ordinances or by state and federal rules and regulations shall apply where those standards are more restrictive than the standards set forth herein. All required landscaping shall be installed prior to issuance of final use and occupancy permits. It shall be the responsibility of the owner to maintain all landscaping in accordance with the standards of this Article.

10. All existing tree masses, mature trees, and specimen trees shall be preserved pursuant to the tree protection standards of Section 510, Shrewsbury Township Subdivision and Land Development Ordinance, and all other applicable regulations or requirements.

11. Species selected by the applicant and depicted on the approved plan shall reflect the following:

    A. Native plants are as required per Section 705 herein.

    B. Selection of street trees is limited to those listed Appendix B of this Ordinance and in the Construction and Specifications Manual.

    C. Suitability of the plant materials, based upon the site's geology, hydrology, soils, exposure to sun and wind, and microclimate.

    D. Functional objectives of the plantings, which may include, but not necessarily be limited to, visual screening, noise abatement, energy conservation and wildlife habitat enhancement, rooting pattern and leafing properties.

    E. Maintenance and replacement considerations such as hardiness, longevity and availability of plant materials, as well as resistance to insects and disease.

    F. Aesthetic considerations such as variety in color, texture, size, and shape.

    G. Be relatively unsusceptible to pest infestations and disease.

    H. Do not interfere with a safe lighting environment.

**Section 704 <u>Basic Content of the Landscape Plan</u>**

The Landscape Plan shall be drawn at a scale of not less than one inch equals fifty feet (1" = 100'). It shall contain the following information in addition to all other inclusions required by this Article:

1. Certification, including signature, seal, and date, by a Landscape Architect registered by the Commonwealth of Pennsylvania.

2. The location of all existing and proposed structures, including fences and walls; streets; parking/loading areas; utilities; rights-of-way; and easements.

3. The location of all existing and proposed outdoor storage and trash receptacle areas.

4. Adjacent land uses and zoning classifications.

5. The location, general type, and quality of existing vegetation. Any existing vegetation to be removed shall be noted on the plan.

6. A plant list or schedule, indicating scientific and common names, required and proposed quantities, spacing, and size of all proposed landscape materials at the time of planning shall be provided.

7. The plant list or schedule must also include any plant symbols used on the plan drawing and the expected mature spread of each plant.

8. Building elevations showing façade plantings shall be submitted with all plans.

9. Size and location of the proposed areas of the site to be planted with the proposed species.

10. Location and description of other landscape improvements, such as earth berms, walls, fences, walkways, raised beds, sculptures, fountains, street furniture, lights, and courts or paved areas.

11. Planting and installation details as necessary to ensure compliance with the standards of the American Association of Nurserymen and the PA Landscape and Nursery Association.

**Section 705 <u>Plant Material Size and Spacing Requirements</u>**

Unless otherwise specified, nursery-grown plant materials shall conform to those listed in the "American Standard for Nursery Stock", ANSIZ60.1, current edition, published by the American Nursery and Landscape Association (ANLA). The following guidelines are the minimum required for all nursery-grown plant materials as required in this Section:

1. Shade and street trees shall have a minimum caliper of two (2) inches at installation. The use of native species for all street trees is required.

2. Ornamental and flowering trees shall have a minimum caliper of one and one half (1 ½) inches at installation. Multiple-trunk trees should be identified as such in the plant list. Multiple-trunk trees shall be counted as one (1) tree. Fifty (50) percent of all ornamental trees shall be native species.

3. Evergreen trees shall have a height of five (5) feet at installation. Fifty (50) percent of evergreen trees shall be native species.

4. Shrubs shall comply with the following requirements:

    A. Large shrubs shall be a minimum size of three (3) feet in height at planting. A minimum of sixty percent (60%) of the shrubs shall be native to the Mid-Atlantic region.

    B. At planting small shrubs shall be a minimum size of twenty-four (24) inches in height or eighteen (18) inches in spread, depending on variety. A minimum of sixty percent (60%) of the plants shall be native to the Mid-Atlantic region.

5. Shrubs shall be spaced according to their size, growth characteristics and intended use.

6. Ground cover shrubs, herbaceous perennials, bulbs and annuals shall be spaced appropriate to type and size at installation. Beds of these plantings shall be used at driveway and building entrances, around signage and focal elements, and to stabilize steep embankments. Ground covers shall be spaced so that one hundred percent (100%) of the beds are covered after two (2) years' growth.

7. A variety of plant species are encouraged to avoid monocultures, to encourage long-lived species and to promote wildlife habitat. Tree and shrub plantings shall contain the following minimum species mix:

    A. When fifty (50) to ninety-nine (99) are required, no more than fifty percent (50%) may be of one (1) variety.

    B. When one hundred (100) or more are required, no more than thirty percent (30%) may be of one (1) variety.

8. To allow for design flexibility, plant material substitutions from the requirements may be permitted at the discretion of the Township. In such cases, the applicant must demonstrate to the satisfaction of the Township that the general intent of the ordinances is achieved and that the substitutions represent an equivalent monetary value to the required landscaping.

**Section 706 <u>Guarantee and Maintenance</u>**

The estimated, or if known, the actual cost of all landscape materials depicted on the approved landscape plan shall be provided and be financially secured, guaranteed and maintained consistent with the following:

1. All landscape improvements to be provided shall be installed and maintained by accepted practices as recognized by the American Association of Nurserymen. Planting and maintenance of vegetation shall include, as appropriate, but not necessarily limited to, provisions for surface mulch, staking and guying, irrigation, fertilization, insect and disease control, pruning, mulching, weeding, and watering.

2. The applicant shall make arrangements acceptable to the Township that all landscape improvements installed in accordance with this Section shall be guaranteed and maintained in a healthy and/or sound condition, or otherwise be replaced by equivalent improvements, for a period of eighteen (18) months following their installation, except as may otherwise be required by this Section.

3. After installation and prior to commencement of the guarantee period required above, the Township shall perform an inspection of the finished site for compliance with the approved landscape plan. Following this inspection, an as-built landscape plan shall be furnished to the Township by the applicant. Provided the finished site is found to be in compliance, the two eighteen-month guarantee periods shall commence five (5) days from the date of inspection. All plants shall be in a vigorous and thriving condition at the end of the eighteen-month period as determined above. Final inspection of the site following the eighteen-month period

will be made by the Township. It is recommended that trees and shrubs be planted between September 15 and November 1 or between March 1 and May 1.

4. Plants found to be in poor health or lacking normal growth habit during the eighteen-month guarantee period shall be replaced with nursery-grown plants, in accordance with the approved landscape plan, within thirty (30) days of being notified by the Township. If notification is made out of season, replacements shall be made during the next planting season. If the original plants declined due to poor species selection, substitute plants, determined by the Township to be more suitable for the site's environmental conditions or planting scheme, shall be used. A modified landscape plan shall be filed with the Township. Replacement plants shall be inspected by the Township after installation. All replacement plants shall be subject to a new eighteen-month guarantee period and inspections by the Township as prescribed in Subsections 2 and 3 above.

5. Where accidental damage or vandalism of plants occurs, the applicant shall replace the damaged plant material in accordance with the original or an approved modified landscape plan.

6. The applicant shall be required to post financial security for the maintenance and/or replacement of the proposed vegetation, including compensatory plantings, during the eighteen-month guarantee period. The amount of the financial security shall be equal to one hundred ten percent (110%) of the amount of the cost estimate submitted with the approved landscape plan. In addition, financial security shall be required for existing plants being disturbed by construction activities. Financial security is not required for existing preserved trees outside the construction limits or for transplanted material not being used to satisfy the minimum requirements of this Section.

7. The applicant shall make arrangements acceptable to the Township for the property's long-term landscape maintenance. The applicant shall provide the names, addresses and telephone numbers of those persons or organizations who will be assuming such responsibilities. Landscape improvements required by this Section shall be the subject of suitable restrictive covenants and, if practicable, rules and regulations governing the use and maintenance of common land and facilities, which covenants, rules and regulations shall be in form and substance acceptable to the Township Solicitor and, in the case of covenants, recorded as encumbrances running with the land on which the improvements are installed. The covenants, rules and regulations shall, without limiting the forgoing, require the maintenance and replacement and prohibit the destruction or removal of all landscape materials and improvements depicted on the approved landscape plan, empower the Township to enforce said obligations and prohibit the amendment or termination of any of the mandatory terms thereof without the express joiner of the Township. (See Section 512 of this Ordinance for ownership alternatives of common open space).

**Section 707 <u>Existing Tree Preservation</u>**

1. Every effort shall be made to preserve mature trees, other significant existing vegetation and natural features on a development site and to incorporate these existing natural features into

an overall planting design. Every effort shall be made to retain as much of a wooded area as possible of a size and configuration that will promote its natural growth and regeneration particularly when adjoining adjacent woodlands.

2. No street trees shall be required where streets are bordered by permanent wood lands.

3. Preservation of existing trees shall be consistent with Section 510, Shrewsbury Township Subdivision and Land Development Ordinance, as well as all other Township requirements.

**Section 708 <u>Tree Protection Standards</u>**

1. Every effort shall be made to reduce the loss or damage to trees existing on-site which are to remain. A tree shall be considered preserved if there is no disturbance within the tree's critical root zone. Disturbance includes earth disturbance, earth compaction, vehicular and foot traffic, material stockpiling, and/or the construction of all proposed improvements and utilities.

2. The critical root zone extends from the tree trunk a distance equal to twelve (12) times the trunk diameter, or to the tree's drip-line plus five (5) feet, whichever distance is greater.
3. A tree shall be considered preserved if the Township's landscape professional determines it is in viable condition at the end of the guarantee period.

4. The following conservation practices are mandatory and shall be noted on the soil erosion and sedimentation control plan and employed in order to preserve existing trees. In additional to the other requirements specified in this Section, these conservation practices shall be undertaken during land development activities. Prior to any clearing or site disturbance, the Township requires a meeting with the applicant and/or site contractor, to further determine methods to minimize tree loss. For this meeting, the Township shall appoint a qualified landscape professional to act on its behalf.

    A. All trees, natural features, and other vegetation to be preserved shall be protected from equipment damage by snow fencing or other effective barriers approved by the Township. Fencing or barriers around trees shall be placed outside the dripline, unless approved by the Township, to be appropriate at another location. Tree protection installation must be approved by the Township's landscape professional prior to the start of any clearing, grading, or other earth disturbance and monitored periodically. The tree protection fencing shall be maintained by the applicant while in place. It shall be removed after all earth moving and construction activities that may impact tree roots are completed.

    B. When disturbance within the critical root zone is unavoidable, applicants shall minimize encroachment and use the best available methods as approved by the Township's landscape professional to minimize damage and preserve trees. These methods may include utility tunneling, use of geo-textiles, mulching, hand root pruning, and soil aeration. Applicants shall consult references such as <u>A Guide to</u>

Preserving Trees in Development Projects, published by the Penn State College of Agricultural Sciences Cooperative Extension.

C. Should any mature viable trees on the site not scheduled to be removed be irreparably damaged during site preparation activities and, as a consequence thereof, die or decline as determined by the Township landscape professional, within 18 months of the conclusion of construction activities, such trees shall be replaced with nursery grown material, in accordance with the following requirements:

(1) For deciduous trees of six (6") inches up to twelve (12") inches DBH, one inch of new tree caliper shall be provided for every six (6") inches of existing tree diameter cut or removed.

(2) For deciduous trees of twelve (12) inches up to twenty-four (24) inches DBH, one (1) inch of new tree diameter for three (3") inches of existing tree diameter cut or removed.

(3) For deciduous or evergreen trees of twenty-four (24) inches and greater DBH, one (1) inch of new tree diameter for every one (1) inch of existing tree diameter cut or removed.

**Section 709 Street Trees**

Street trees shall be planted along all proposed private and public streets.

1. Street tree standards include:

A. Trees must be balled and burlapped with the native soil in which the tree had been growing.

B. Trees shall have a minimum twenty-four (24) inch rootball when planted.

C. Trees shall have a minimum caliper of two (2) inches and be a minimum of eight (8) feet in height when planted.

D. Each tree must be staked with a minimum of two (2) stakes and support ropes.

E. Trees shall be spaced so that at maturity no more than a fifteen (15) foot gap will exist between tree canopies or crowns.*

* Spacing of trees shall not exceed the current edition of the American Standard for Nursery Stock, ANSIZ60.1.

F. Trees shall be planted between the street cartway and the building line, but at least ten (10) feet from the edge of the improved cartway or sidewalk, but in no case between the cartway and sidewalk.

G. All proposed street trees shall be native to the Mid-Atlantic region. An approved list of street trees is included in Appendix B.

H. Use of multiple species is permitted provided that along a street the trees are similar as regards to height and spread and that similar species are planted within single or two-family, detached lots.

I. Trees shall be planted so as not to interfere with the installation and maintenance of sidewalks, lights and utilities. Trees shall be setback ten (10) feet from underground utilities; tree canopies or crowns at maturity shall be at least fifteen (15) feet from overhead utilities.

J. Groves or clusters or other arrangements of street trees may be permitted where conditions warrant subject to the approval of Shrewsbury Township.

**Section 710 <u>Buffers and Screens</u>**

Buffers and screens shall be used to minimize or eliminate views of development and site elements, and to provide landscaping that will soften and mitigate views between the development and its surroundings and provide opportunities for green links between properties.

1. <u>General Buffer and Screen Requirements</u>:

A. Any of the following options or combination thereof may be used in buffers and screens provided that the minimum standards prescribed herein are met:

(1) Existing vegetation and natural features;

(2) Proposed new or transplanted vegetation;

(3) Existing or proposed fences or walls; and

(4) Existing or proposed grading, including berms.

B. Fences, walls and berms shall be used in conjunction with required landscaping, not to replace it.

C. Berms are encouraged and shall conform to the following standards:

(1) Berms shall be a minimum of two (2) feet in height, and shall not be steeper than three-foot horizontal distance to one-foot vertical distance (3:1).

(2) Berms should be located to work in conjunction with vegetation, fences and/or natural features to provide an effective buffer. They shall be laid out to replicate naturally occurring landforms. Their locations shall not impede or dam the flow of surface water runoff.

D. Site element screens, existing natural features, structural garden elements, such as gazebos and trellises, water features, sculpture and project identification signs may be placed within the buffer, provided they do not replace or diminish the intended screening effect of the buffer.

2. Types of Buffer Strips

A. Buffer Planting Strip A shall be utilized as a conceptual buffer. The buffer will not provide full screening, but will distract the view from the adjoining use.

B. Buffer Planting Strip B will block fifty (50%) percent of the view at eye level through the use of trees and shrubs.

C. Buffer Planting Strip C will block seventy-five (75%) percent of the adjoining use through the use of shrubs and trees, or other structural elements.

D. Buffer Planting Strip D will provide one hundred (100%) percent opaqueness of the adjoining use through the use of dense planting of trees and shrubs or other structural elements.

3. Buffers Required Between Zoning Districts. Buffers strips shall be planted or placed along zoning district boundaries as based on the following matrix which references the four (4) types of buffers listed above in section 710.2. These buffers shall be a minimum of fifty (50) feet in width.

TYPE OF BUFFER STRIP REQUIRED BETWEEN ZONING DISTRICTS

| PROPOSED ZONING | ADJACENT ZONING | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | AG | RR | RRRA | SR | SRRA | C | CI | I | IC |
| AG | - | - | - | - | - | - | - | - | - |
| RR/RRRA | A | - | - | - | - | - | - | - | - |
| SR/SRRA | B | C | C | - | - | - | - | - | - |
| C | C | C | C | B | B | - | - | - | - |
| CI | C | C | C | B | B | - | - | - | - |
| I | D | D | D | C | C | - | - | - | - |
| IC | D | D | D | C | C | - | - | - | - |

- Buffer strip not required.

4. Perimeter Buffer Requirements

A. Perimeter buffers shall be planted along or adjacent to all arterial and collector streets. Such buffers shall be no less than thirty-five (35) feet in width as measured from the street's Right-of-Way (ROW). In instances where major developments occur along streets classified local, perimeter buffers may be required depending on traffic

volumes, the overall intensity of the proposed development(s) and the nature of adjacent or nearby uses as determined by Shrewsbury Township.

B. A ten (10) foot landscaped, perimeter buffer shall be placed separating adjacent developments or subdivisions within the same zoning district.

C. Perimeter buffers shall comply with Buffer Plant Strip B, C or D as determined by the intensity and potential conflicting nature of adjoining uses. Shrewsbury Township must concur with plant strip selected.

D. Perimeter buffers shall be placed at the property or right-of-way line.

5. Building Site Element Screens. Site element screens shall be placed to screen electrical, mechanical and utility equipment; loading and storage areas not enclosed in a building; trash disposal sites; as well as other structures and areas associated with various principal uses or principal uses themselves as determined by Shrewsbury Township. Screening is required when such elements are proposed within two hundred (200) feet of a property or right-of-way line. Site element screens may be located within required buffer areas. Site element screens may be eliminated if they are adjacent to or within screen buffers provided the screen buffer effectively screens views of the site element. Site element screen plantings shall be designed in such a fashion so as to not draw attention to the element itself.

A. Site element screens shall be one of the following types, according to use. If a use is not listed, the screen most suited to the use shall be used.

(1) Low screens shall be used around the perimeters of all parking lots or other similar vehicular use areas, including service stations, sales lots for motorized vehicles, vehicular stacking lanes associated with a drive-through, and around trash enclosures or storage buildings when decorative walls, such as brick, latticework or split-face concrete block, are proposed.

(2) High screens shall be used adjacent to loading areas, around trash enclosures and storage buildings, when fencing or plain concrete masonry units are proposed and around transformers, maintaining the required clear distance. High screens or opaque fencing at least six (6) feet in height shall also be required to buffer accessory structures from the higher classification street on reverse frontage lots. All fencing shall be installed in compliance with Section 1620 of the Township's Zoning Ordinance.

(3) Yard screens shall be placed around vehicular storage areas that are not used as parking lots or sales areas, around the perimeter of tank farms and similar facilities, and around utility towers and equipment yards.

B. Site element screens shall be measured at the base of the element being screened. This might be the base of a trash enclosure or the surface of a parking lot closest to the screen.

C. Low screens shall conform to the following:

(1) They shall be comprised of evergreen or dense deciduous shrubs to form a continuous screen or hedge, which shall reach a minimum height of three (3) feet, after two (2) years growth. For example, if a parking lot elevation is higher than the adjacent street and the screen plantings are placed at a lower elevation on the slope between the two, then the screen must consist of either larger plants, a taller species or be maintained higher to provide a three (3) foot high screen as measured from the surface of the parking lot. Conversely, if a berm is used in conjunction with screen plantings, they may be shorter plants, as long as an effective screen is provided.

(2) Small shrubs shall be spaced no farther than three (3) feet on center. Large shrubs shall be spaced no farther than six (6) feet on center.

D. High screens shall be comprised of either of the following:

(1) Large evergreen shrubs, spaced no farther than four (4) feet on center, or as needed to form a continuous screen at a height of six (6) feet after five (5) years growth.

(2) Evergreen trees spaced twelve (12) feet to fifteen (15) feet on center.

E. Yard screens shall conform to the following. They shall be of the same composition as high screens, except that in addition, large shrubs shall be planted on five-foot centers alongside the evergreen trees.

6. <u>Individual Building Site Landscaping Requirements.</u>

A. Landscaping shall be an appropriate scale relative to the proposed adjacent structures.

B. Landscaping shall be provided at building entrances.

C. A minimum planting width of six (6) feet adjacent to the building and no less than twenty-five percent (25%) of the building perimeter shall be planted with multi-stemmed ornamental trees, shrubs, perennial flowers, and ground cover. Emphasis should be given to landscaping along the front building elevation.

Additional landscaping shall be provided around the perimeter of buildings to soften the edge between sidewalk/parking lots and structures.

D. Landscaping shall be protected from vehicular and pedestrian encroachments with raised planting surfaces, depressed walks, and/or curbs.

7. Entrance Landscaping and Signage Requirements. All major subdivisions, developments as well as minor residential subdivisions on private or public subdivision roads, shall meet the following requirements.

   A. An earth-tone sign consisting of natural materials with the name of the subdivision/development shall be located at the entrance(s) and suitably sized so that it is easily read by the passing public.

   B. Landscaping shall be integrated with the entry sign so as to provide an attractive complementary natural setting.

   C. It is suggested that three (3) levels of scale or height utilizing shade, evergreen, and/or ornamental trees, shrubs, annuals, and perennial flowers and ground cover be included in the design.

   D. All signs shall be consistent with Shrewsbury Township sign ordinance requirements.

8. Plants shall be distributed throughout the entire length of the buffer or screen as follows:

   A. Plantings in site element screens shall be evenly spaced to create a continuous visual screen.

   B. Plantings in buffers need not be evenly spaced, but should be positioned to provide an effective screen of the development.

   C. Plantings in buffers may be clustered.

   D. Plants which exhibit one or more of the following characteristics should be avoided:

      (1) Plants that will become a nuisance to neighboring properties or that will threaten the ecological balance of adjacent woodlands and natural areas because they are aggressive and invasive. Aggressive and invasive plants shall include but not be limited to: exotic bamboos, purple loosestrife, butterfly bush, white mulberry, and kudzu.

      (2) Plants which spread by rhizomes or stolons, unless an approved method of root containment is utilized.

      (3) Plants which are known to be easily susceptible to pest infestations and/or diseases, which may shorten their life expectancy and ability to provide an effective buffer.

      (4) The remainder of the buffer or screen area shall be planted with ground covers, including lawn grasses or meadow plantings, as appropriate to the character of the site and adjacent lands.

(5) Buffer and screen plantings areas shall be mulched with a material appropriate to the site's character. Beds are encouraged for ease in maintenance. Individual mulched areas may be joined as plants mature and maintenance practices change.

**Section 711 <u>Parking Lot Landscaping Design</u>**

1. All parking lots with ten (10) or more spaces shall be designed and effectively landscaped with trees and shrubs to:

   A. Provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots.

   B. Reduce the visual impact of glare, headlights and parking lot lighting.

   C. Facilitate pedestrian circulation and safety.

   D. Facilitate vehicular circulation by delineating driving lanes and defining rows of parking.

2. Planting islands shall conform to the following standards:

   A. Planting islands shall be distributed throughout the parking lot, as follows:

      (1) One planting island, a minimum of ten (10) feet wide by twenty (20) feet long, shall be located at the end of each parking space row and at intervals of no greater than one hundred (100) feet apart, or every ten (10) parking stalls, in single or double bays.

   B. Islands should be placed opposite each other in adjacent rows of parking, to reduce the number of islands, and to increase the area available for tree roots.

   C. The last parking stall in a row shall be separated from drive aisles by a planting island, a minimum of ten (10) feet in width.

   D. Each planting island shall contain one (1) shade tree plus shrubs, ground cover, perennials and/or mulch to cover the entire area at maturity. Fifty (50) percent of all street trees, shade trees and evergreen trees shall be native species as defined in this Ordinance and listed in Appendix B. Shrubs shall not exceed two (2) feet in height.

3. Divider strips shall conform to the following standards:

   A. Divider strips shall be placed every other bay of parking running the length of the rows of parking and landscaped with plantings of shade, ornamental and/or flowering trees, plus shrubs, ground cover and/or mulch to cover the entire area at maturity. A bay of parking is the width of pavement needed to accommodate either one or two rows of parking stalls plus one access lane.

B. Divider strips shall be a minimum of ten (10) feet wide unless a sidewalk is proposed within the divider strip. If a sidewalk is proposed within the strip, the sidewalk may be placed in the center of the strip or to one side. The divider strip shall be increased in width by six (6) feet to accommodate the sidewalk.

(1) One (1) shade tree shall be required for each thirty (30) feet of divider strip. Two (2) ornamental and/or flowering trees may be substituted for each shade tree. The trees need not be spaced evenly apart; however, the maximum spacing shall be fifty (50) feet.

(2) One (1) large shrub or two (2) small shrubs shall be required for each ten (10) feet of divider strip. Shrubs shall be spaced according to the guidelines in Section 705.5. Gaps may be placed between the shrub plantings to provide areas for ground covers, decorative mulch beds, artwork, crosswalks or flowering plants. Shrubs near the ends of divider islands shall not exceed two (2) feet in height so as not to block visibility. This shall not preclude the use of taller shrubs elsewhere within the divider island.

4. Plantings shall be placed between parking lots and buildings to break up long stretches of façade and provide a more comfortable pedestrian environment, according to the following standards.

A. Plantings are required for all sides of a building facing parking areas. Plantings are not required along the sides of buildings containing service or loading areas. If part of a side of the building faces parking, only that portion is subject to these requirements. Loading areas must be appropriately screened according to the requirements of Section 710.6.a. (2). Loading area screening is in addition to the requirements of this section.

B. The minimum planting requirement shall be one (1) shade tree per fifty (50) feet of building façade plus five (5) small shrubs per twenty (20) feet of building façade.

C. Any plantings in addition to the requirements of this section may be placed in a lawn area, tree pits, planters or hanging baskets as appropriate to the character of the development using the following guidelines as to placement:

(1) Deciduous trees, ground covers and perennials may be placed anywhere between the curb and the building or outdoor areas.

(2) If any tree is located closer than ten (10) feet to a sidewalk, approved root barriers shall be placed along the tree side of the sidewalk for a distance of twelve (12) feet, centered on the trunk.

(3) Planters shall be at least thirty (30) inches high but no higher than forty-two (42) inches, and contain drainage holes.

(4) The bottoms of hanging baskets shall be at least eight (8) feet above the sidewalk surface to provide for pedestrian clearance and clear visibility.

D. Shrubs, ground covers and perennials used below shade trees within parking lots shall be of species able to withstand the harsh microclimate of a parking lot. Plant selection should take into consideration tree growth and canopy cover and should be partially shade tolerant species.

E. To prevent conflicts with the opening and closing of automobile doors and to reduce damage from automobile overhang, all shrub plantings in parking lot islands and divider strips located adjacent to or abutting parking stalls shall be set back a minimum of two (2) feet from the curb or edge of pavement.

F. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with electric lines and the effectiveness of light fixtures.

G. Plantings required within the parking areas are exclusive of other planting requirements such as street trees and buffers.

**Section 712 <u>Stream Buffers/Critical Environmental Areas</u>**

At a minimum, a one hundred (100) foot stream buffer is required adjacent to all watercourses under Article 14 of the Shrewsbury Township Zoning Ordinance. When these areas are part of a parcel or parcels of land being subdivided, developed or redeveloped, they shall be planted or maintained as woodlands as follows:

1. Within fifty (50) feet of a watercourse, the area shall be planted in trees native to the region at a spacing of not less than fifteen (15) feet by fifteen (15) feet or at a stocking rate that will result in a full canopy at maturity.

2. Between fifty (50) and one hundred (100) feet or greater, the area shall be planted to trees and/or shrubs native to the Mid-Atlantic region at a spacing that will result in a full canopy at maturity.

3. The tree size or standard shall be one and one half (1 ½) inches in caliber and a minimum of six (6) feet in height. Shrubs shall be two (2) feet to three (3) feet in height. As an alternative, bare root transplants with a minimum height of two (2) feet to three (3) feet may be substituted provided that each transplant is protected by a five (5) foot shelter and a weed barrier is placed around the base of the tree.

4. Section 706, Guarantee and Maintenance, shall apply as regards to these plantings.

**Section 713 <u>Landscaping of Storm Water Management Facilities</u>**

1. Landscaping shall be required in and around all storm water management facilities with a minimum surface area of one thousand (1,000) square feet for the purposes of:

A. Assisting in the management of storm water.

B. Stabilizing soil within such facilities to control erosion.

C. Enhancing visual appearance of such facilities.

D. Mitigating maintenance problems commonly associated with the creation of such facilities.

E. Providing wildlife habitat

2. A planting plan shall be submitted in accordance with the following:

A. Wet Meadows (including basin floors)

(1) Wet meadows and basin floors shall be planted with native wildflowers and noninvasive grasses, the intent being to create a mixed meadow of such plantings, where appropriate. Selection of plantings should be based on whether the area in question is usually well drained or permanently wet and whether the area will be used for recreation purposes. No woody plants shall be planted within the saturated zone of a storm water management basin.

(2) Seeding by drills, corrugated rollers, cyclone or drop seeders or hand seeding of such areas is preferred; however, hydro-seeding followed by hydro-mulching can be used on wet ground and steep slopes.

(3) Fertilizers, as a nutrient supplement, shall not be used unless it is documented that soil conditions warrant such use. Soil for planting of wildflowers shall contain not less than three (3) percent or more than ten (10) percent organic matter, as determined by an agricultural chemist, with certification of test before planting.

(4) Seeding should take place either between March 15$^{th}$ and June 1$^{st}$ or August 15$^{th}$ and October 15$^{th}$, or as specified by the seed distributor. Planting areas shall be soaked to maintain a consistent level of moisture for at least four (4) to six (6) weeks after planting.

(5) Once established, a single annual mowing when plants are dormant should be sufficient to maintain a wet meadow and/or basin floor.

B. Wet Edges - Wet edges which remain wet all or most of the year shall be planted with native wildflowers, grasses and shrubs. Plants to be located on rims or banks which remain dry most of the year should be planted with native species tolerant of dry soil conditions.

C. Wooded Areas

(1) Where storm water management facilities adjoin wooded areas, native trees and shrubs shall be selected and planted so as to blend with existing surroundings.

(2) Plantings in such areas shall be of sufficient density to eliminate the need for mowing.

(3) It is recommended that clusters of trees and shrubs be planted around storm water management facilities, where applicable, to provide for wildlife habitat, wind control and buffering and screening.

(4) Vegetation shall be planted during appropriate times of the year, predominantly between late March and mid-May and from early October until evidence of ground freezing, depending upon the species selected. Deciduous and Evergreen trees and shrubs shall be planted as directed by a trained arborist or forester.

D. Slopes

(1) Where slopes are gentle, a mixture of native meadow grasses and wildflowers shall be planted.

(2) On steep slopes, dense spreading native shrubs (shrubs tolerant of dry soils) shall be planted. Heavy mat mulch shall be used during the period of establishment.

(3) No woody plant materials or trees shall be located on a constructed or natural berm acting as the impoundment structure of a detention/retention basin. Trees shall be located on the downstream side of an impoundment berm a sufficient distance from the toe of the constructed slope to assure that the toe of the slope is outside the drip line of the mature species planted.

E. Screening and Buffering

(1) Storm water management facilities shall be appropriately screened in a manner which complements the existing landscape and provides sufficient access for maintenance. In many cases, complete perimeter screening may not be necessary; however, it shall be the applicant's responsibility to demonstrate in the submitted planting plan why this is so.

(2) Plantings shall consist of clusters of evergreens interspersed with groupings of deciduous trees and shrubs. Single species planting is prohibited.

(3) It is encouraged that plantings native to Pennsylvania be used which provide flood and shelter for wildlife.

# ARTICLE 800

## MOBILE HOME PARK PROVISIONS

### CROSS REFERENCES

Shrewsbury Township Zoning Ordinance, as amended.

The most recent Flood Insurance Study prepared for Shrewsbury Township by the Federal Insurance Administration

National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401, et seq.)

**Section 801 Definitions**

**Mobile or Manufactured Home** - A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**Mobile/Manufactured Home Lot** - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

**Mobile/Manufactured Home Park** – A parcel of land under single ownership, which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots. (This is the definition from the Zoning Ordinance.)

**Mobile/Manufactured Home Stand or Pad** – That part of an individual mobile home lot that has been reserved for the placement of a mobile home and appurtenant structures and connections.

**Section 802 Approval Required**

It shall be unlawful for any person to construct, alter, or extend any mobile home park within the limits of the Township until plans have been approved by the Township in accordance with the provisions of this Ordinance.

**Section 803 Application for Mobile Home Park Approval**

1. Applications for mobile home park approval shall conform to the requirements and procedures as established in Articles 300, 400 and 500 of this Ordinance.

2. The plans shall show typical locations for each mobile home unit.

**Section 804 Mobile Home Park Improvements**

1. All improvements required in mobile home parks shall be provided in accordance with the provisions of this Article and Articles 500 and 600 of this Ordinance.

2. The owner of the mobile home park shall ensure that there is proper maintenance of all private roads, parking courts, common open spaces and privately owned utilities within the mobile home park. This shall include but not be limited to, snow removal. The applicant shall provide a written maintenance schedule and approved by the Township Solicitor to permanently ensure that such maintenance occurs. Such method shall be reviewed by the Township Solicitor and shall be subject to acceptance by the Board of Supervisors.

**Section 805 Site Location and Dimensions**

The location and minimum size of all mobile home parks shall be in accordance with the Township Zoning Ordinance in addition to the following minimum requirements:

1. Not located within Critical Environmental Areas as designated in the Township Zoning Ordinance, including flood plains, steep slopes and wetlands, or located with respect to adverse influences from swamps, marshes or other water hazard areas.

2. Not subject to any hazard or nuisance such as excessive noise, vibration, smoke toxic matter, heat, order, glare, etc.

3. Mobile home parks located adjacent to an arterial street or location adjacent to industrial or commercial properties shall provide landscaping, buffering and screening in accordance with all applicable landscaping, buffering and screening regulations in this Ordinance, the Township Zoning Ordinance and the Township Construction Specification Manual.

**Section 806 Mobile Home Lots**

1. All lots shall abut a park street.

2. The lot upon which the mobile home is located shall conform to minimum lots size requirements contained in the Township Zoning Ordinance for the zone in which a mobile home park is to be located.

3. The lot or parcel shall be landscaped in accordance with all applicable landscaping regulations in this Ordinance, the Township Zoning Ordinance and the Township Construction Specification Manual.

**Section 807 Erection and Placement of Mobile Homes**

1. All mobile homes shall be constructed to the standards set forth in the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sec. 5401, et seq.).

2. The mobile home shall be located in conformance with all front, side and rear setback requirements as contained in the Township Zoning Ordinance.

3. The mobile home shall be placed upon and securely fastened to a concrete or bituminous pad which shall be built upon a frost-free foundation or footer. In no instance shall it be placed upon jacks, loose block, etc., or other similar arrangements.

4. An enclosure of compatible design and material shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

5. Any garage, utility shed or other similar building or structure shall conform to all applicable Zoning and Building Code requirements, if such are in existence.

**Section 808 Areas for Nonresidential Uses**

1. No part of any mobile home park shall be used for nonresidential purposes, except such uses that are required for recreation, direct servicing, and management or maintenance of the park and its residents.

2. Nothing contained in this section shall be deemed as prohibiting the display and sale of a mobile home when located on an approved mobile home lot in compliance with §707 and connected to utilities.

**Section 809 Street System**

All streets within mobile home parks whether offered for public dedication or not shall conform to the following standards:

1. General Requirements. All mobile home parks shall provide safe and convenient vehicular access to and from abutting public streets and roads.

2. Location Principles. The streets or roads in a mobile home park shall be located and built with regard to:

    A. Providing traffic ways for convenient access to each mobile home lot and other important facilities in the park.

    B. Designed to recognize existing easements which are to be preserved.

    C. Permit connection to existing facilities where necessary for the proper functioning of drainage and utility easements.

3. Circulation. The street system should provide convenient circulation by means of minor streets and properly located collector streets.

    A. Minor streets shall be so located that their use by through traffic will be discouraged.

B. Where a mobile home park abuts or contains an existing or proposed arterial street, the Township may require marginal access streets, reverse frontage or such other treatment as may be necessary to afford separation or through and local traffic.

4. Design Standards. All streets in a mobile home park shall be designed and constructed in accordance with the street design standards set forth in Section 505 of this Ordinance.

   A. All streets shall be designed and constructed as minor or local streets as specified in the Southern York County Regional Comprehensive Plan.

   B. Irrespective of A above, in the event the volume of traffic in the mobile home park is in excess of what a minor street is capable of handling safely, the Township may decide if a collector street is required, in which case the subdivider is responsible for paving the additional width required.

**Section 810 Blocks**

The size and shape of blocks shall be in accordance with the following:

1. Zoning requirements as to lot size.

2. Section 508 of this Ordinance.

3. Providing desirable lot depths for interior walkways and easements for utilities to be located within the block.

**Section 811 Street Lights**

Street lights shall be provided to illuminate streets, driveways, and walkways for the safe movement of vehicles and pedestrians at night and be provided in accordance with Section 610 of this Ordinance. Their type and locations shall be shown on the plan.

**Section 812 Off-Street Parking Areas**

1. A paved off-street parking space for three (3) vehicles shall be provided for each mobile home lot.

2. Required parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed distance of one hundred (100) feet from the mobile home that it is intended to serve.

3. All off-street parking areas shall be designed and constructed in accordance with Section 622 of this Ordinance, Article 14 of the Township Zoning Ordinance, and the Construction Specification Manual.

**Section 813 Sidewalks and Pedestrian Paths**

All mobile home parks shall be provided with sidewalks or common pedestrian paths in accordance with Section 606 and 607 of this Ordinance.

**Section 814 Curbs**

In all mobile home parks, curbs shall be installed on all streets as needed to control storm water runoff and prevent erosion and deterioration of streets, and shall be installed in accordance with the provisions of Section 603 of this Ordinance.

**Section 815 Open Areas**

Not less than ten (10) percent of the gross site area in all mobile home parks shall be set aside for the recreational use of all park residents. Such land should generally be provided in a centralized location, or decentralized in larger mobile home parks.

**Section 816 Easements**

Easements shall be provided for all utilities not located in a street and for well-defined watercourses in accordance with Section 521 of this Ordinance.

**Section 817 Water Supply**

1. All water supply systems, whether public or private, shall comply with all applicable provisions in Sections 513 and 514 of this Ordinance.

    A. All water wells shall be provided in accordance with Section 620.

2. Where a municipal water supply system is within one thousand (1,000) feet of the proposed mobile home park, and connection to such system is possible, the developer shall provide the development with a complete water supply system to be connected to the municipal water supply system, and a sufficient water supply to meet the water needs of the proposed mobile home park.

3. Where connection to a municipal water supply system is not possible or feasible, the developer shall prepare Water Service Feasibility Report in compliance with Section 515 of this Ordinance for a developer owned central water supply system to serve the proposed mobile home park.

4. The plan for installation of water supply facilities for the proposed mobile home park must be prepared in cooperation with the municipal water utility if extension of an existing municipal system is proposed, and in all cases must be approved by the Township Engineer. If a developer owned central water supply system is proposed, the Township Engineer must find it adequate to supply each mobile home unit with three hundred fifty (350) gallons per day and must further find that the water pressure to be provided will be sufficient to meet the reasonable needs of the mobile home park residents and that the level of treatment is sufficient to insure that a safe and sanitary supply of drinking water is supplied to the mobile home park residents at all times.

5. All water supply systems or portions thereof located in any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for

Shrewsbury Township by the Federal Insurance Administration, whether public or private, shall be flood-proofed up to the one hundred (100) year flood elevation.

6. If connection to an existing public water supply system is proposed, the subdivider or developer shall submit an agreement committing the public water supply system to provide such water as will be utilized by the subdivision or land development for such period of time and under such terms and conditions as the public water supply system provides water service elsewhere in its service area.

7. If the water supply system proposed involves the utilization of water obtained from the tract being subdivided or developed irrespective of whether that water is being distributed as a part of a public water supply system, the Board of Supervisors will approve the proposed water supply system only when a Water Feasibility Report is prepared, submitted and reviewed in accordance with Section 514 of this Ordinance. The report must demonstrate compliance with requirements and indicated that the installation of the proposed systems will not lower the ground water table in the area so as to endanger or decrease the ground water supplies available to other properties in the area of the subdivision or land development and such study must be approved by the Township Engineer.

**Section 818 <u>Sewage Disposal</u>**

An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. The mobile home park shall be served by the extension of an existing municipal sanitary sewerage system. The developer shall provide a system of sanitary sewer mains and shall provide a lateral connection to each mobile home lot. All sewerage system facilities must be installed in accordance with the provisions of Section 614 of this Ordinance.

**Section 819 <u>Storm Water Management</u>**

Adequate stormwater management facilities shall be provided in accordance with the requirements of the Shrewsbury Township Stormwater Management Ordinance.

**Section 820 <u>Utility Systems</u>**

Utility systems not expressly addressed in this Article shall be provided in accordance with the requirements set forth in Section 521 of this Ordinance.

**Section 821 <u>Fire Hydrants</u>**

Fire hydrants shall be provided in accordance with the requirements set forth in Section 618 of this Ordinance.

**Section 822 <u>Service Building and Other Community Service Facilities</u>**

1. Every mobile home park shall have a structure clearly designated as the office of the mobile home park manager.

2. Service and accessory buildings located in a mobile home park shall be used only by the residents of the mobile home park.

**Section 823 <u>Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval</u>**

No subdivision and/or land development plan shall be approved unless it is in accordance with the requirements of this Ordinance and requirements for completion of improvements or guarantee thereof prerequisite to final plan approval specified in this Ordinance.

PAGE INTENTIONALLY BLANK

# ARTICLE 900

## INTERPRETATION, ENFORCEMENT AND PENALTIES

### CROSS REFERENCES

Article V, Subdivision and Land Development – Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended

**Section 901 Severability**

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included there.

**Section 902 Repealer**

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

**Section 903 Interpretation**

The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail. Where provisions of any statue, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

**Section 904 Amendments**

1. The Board of Supervisors may on its own motion, or upon recommendation of the Planning Commission amend, supplement or repeal any portion of this Ordinance. Amendments to this Ordinance shall become effective only after a public hearing is held pursuant to public notice.

2. In case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.
3. At least 30 days prior to the hearing on the amendment, the Township shall submit the proposed amendment to the York County Planning Commission for recommendations.

4. Within 30 days after adoption, the Board of Supervisors shall forward a certified copy of the amendment to the Township Subdivision and Land Development Ordinance to the York County Planning Commission.

**Section 905 Appeals to Court from Subdivision and Land Development Decisions**

The decisions of the Township Supervisors with respect to the approval or disapproval of plans may be appealed directly to court in accordance with the provisions in Article X of the Municipalities Planning Code.

**Section 906 Enforcement**

1. It shall be the duty of the Building Inspector, Zoning Officer, or other such duly authorized representative of Shrewsbury Township, and he is hereby given the power and authority to enforce the provisions of this Ordinance.

2. The Codes Enforcement Officer, Zoning Officer, or other such duly authorized representative shall require that the application for a building permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved subdivision or land development. No building permit shall be issued until it has been certified that the site for the proposed building, alteration, or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plan.

**Section 907 Preventive Remedies and Enforcement Remedies**

1. Preventive Remedies

   A. The Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

   B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of the Ordinance. The authority to deny such a permit or approval shall apply to the following applicants:

      (1) The owner of record at the time of such violation.

      (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

      (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

      (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee

had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

2. Enforcement Remedies

A. 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 and 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 or otherwise, or erect any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this Ordinance and has been recorded as provided herein or who in any other way be in violation of any of the provisions of this Ordinance shall upon being found liable therefore in a civil proceeding commenced by the Township, pay a judgment of not more than $500.00 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation until the fifth day following the date of determination of a violation by the Magisterial District Justice and thereafter each day that a violation continues shall constitute a separate violation.

B. The Pennsylvania Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

**Section 908 <u>Effective Date</u>**

This Subdivision and Land Development Ordinance shall become effective and shall remain in force until modified, amended, or rescinded by the Board of Supervisors of Shrewsbury Township, York County, Pennsylvania.

Adopted by the Board of Supervisors of Shrewsbury Township, York County, Pennsylvania, and this _____ day of _____ 20__.

Shrewsbury Township Board of Supervisors
York County, Pennsylvania
Attest:

By: _____
Secretary

By: _____
Chairman

# APPENDIX A
# Figures & Diagrams

Figure 1. Infiltration Trenches
Figure 2. Infiltration Basin
Figure 3. Grass Swale
Figure 4. Filter Strip
Figure 5. Private Well
Figure 6. Septic Tank
Figure 7. Siting a Septic Tank
Figure 8: Tree Protection Zone
Figure 9: Dry Swale
Figure 10: Buffer Zones for Environmentally Sensitive Areas
Figure 11: Tree Planting
Figure 12: Sand Filter – Washington D.C.
Figure 13: Sand Filter – Delaware
Figure 14: Sand Filter – Austin
Figure 15: Wet Pond
Figure 16: Dry Pond
Figure 17: Driveway Sight Distance Measurements
Figure 18: Parcel History Block

**Figure 1: Infiltration Trench**

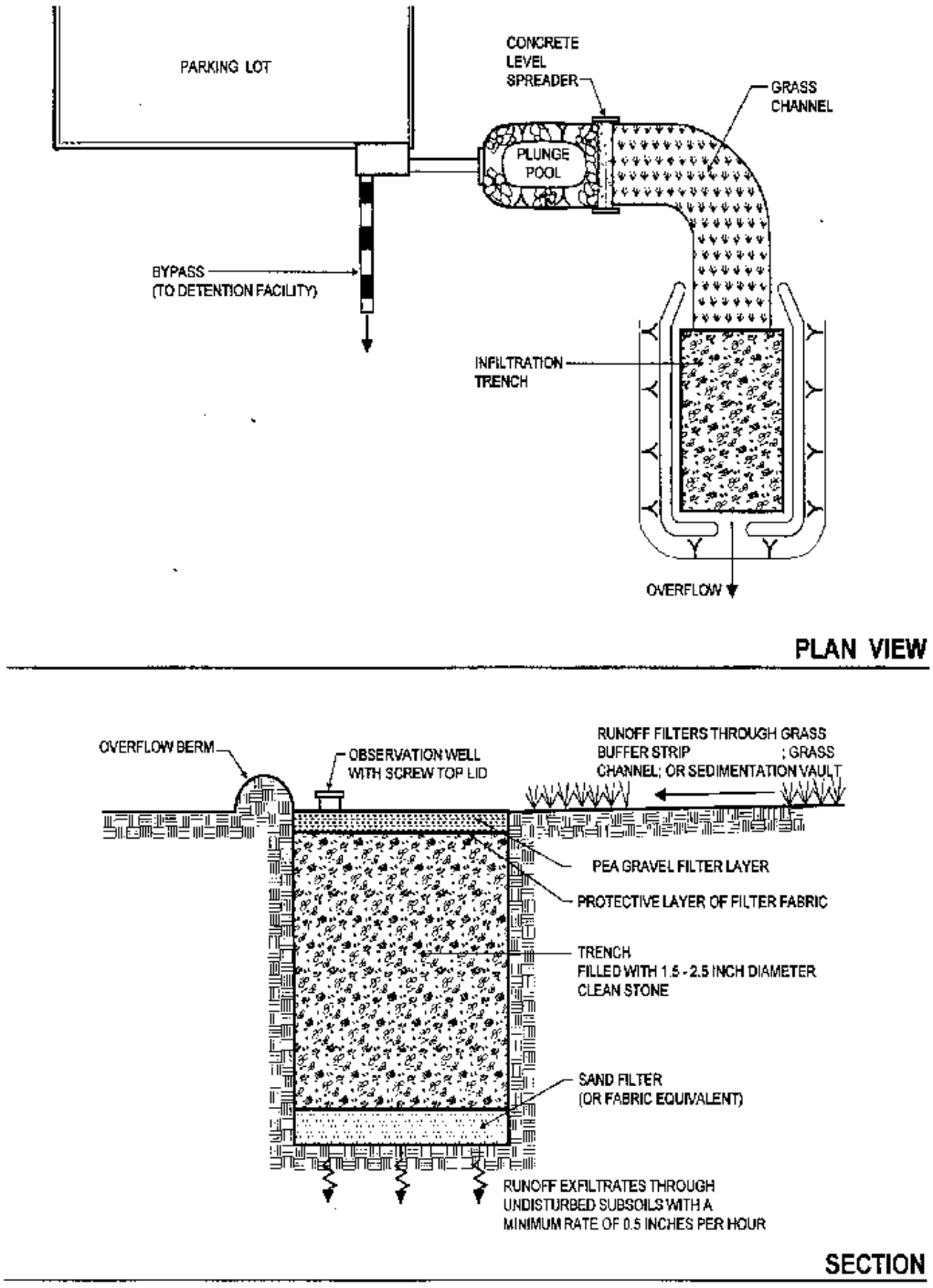



*Figure 1. Infiltration Trench*

**Figure 2: Infiltration Basin**

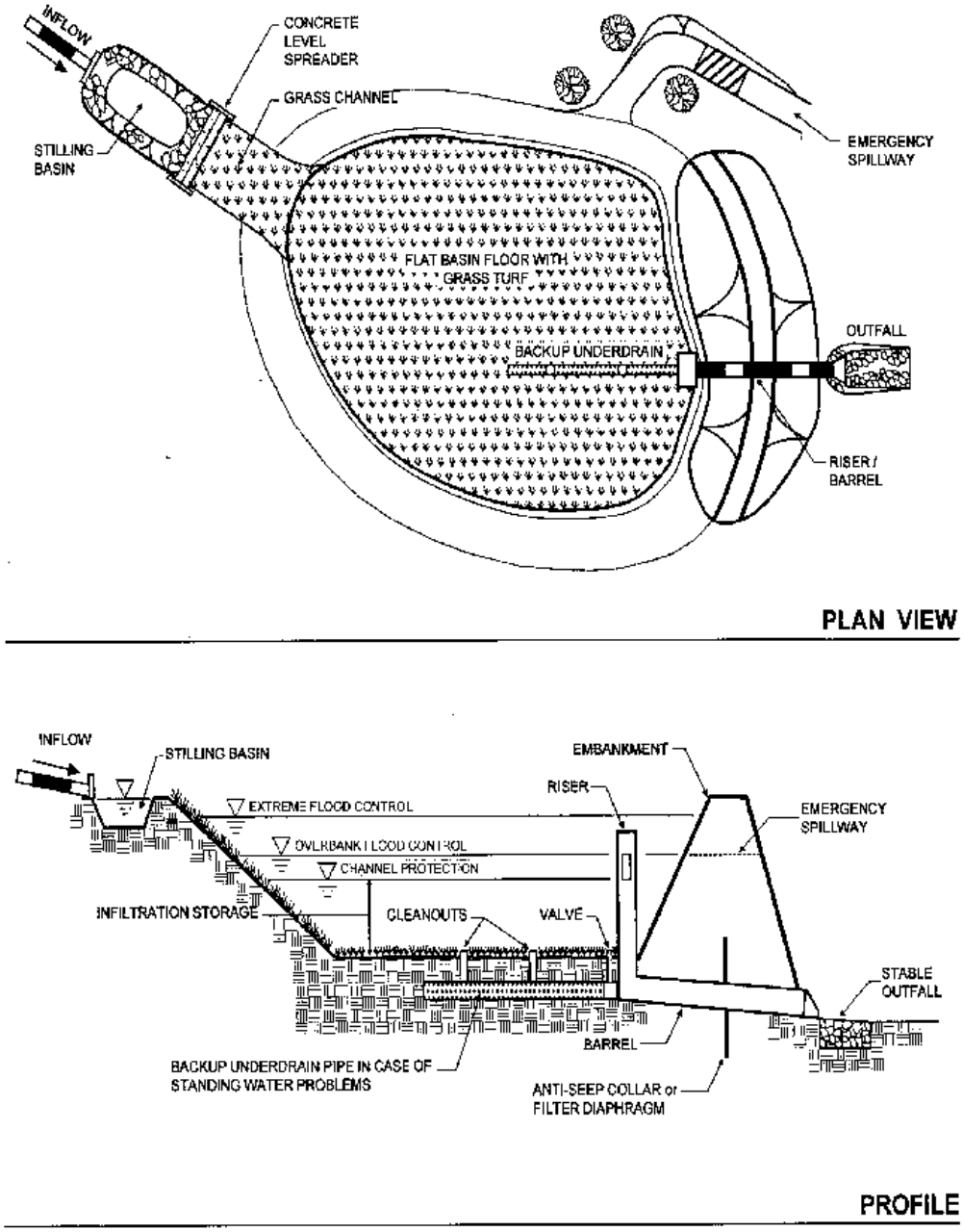



*Figure 2. Infiltration Basin*

**Figure 3: Grass Swale**

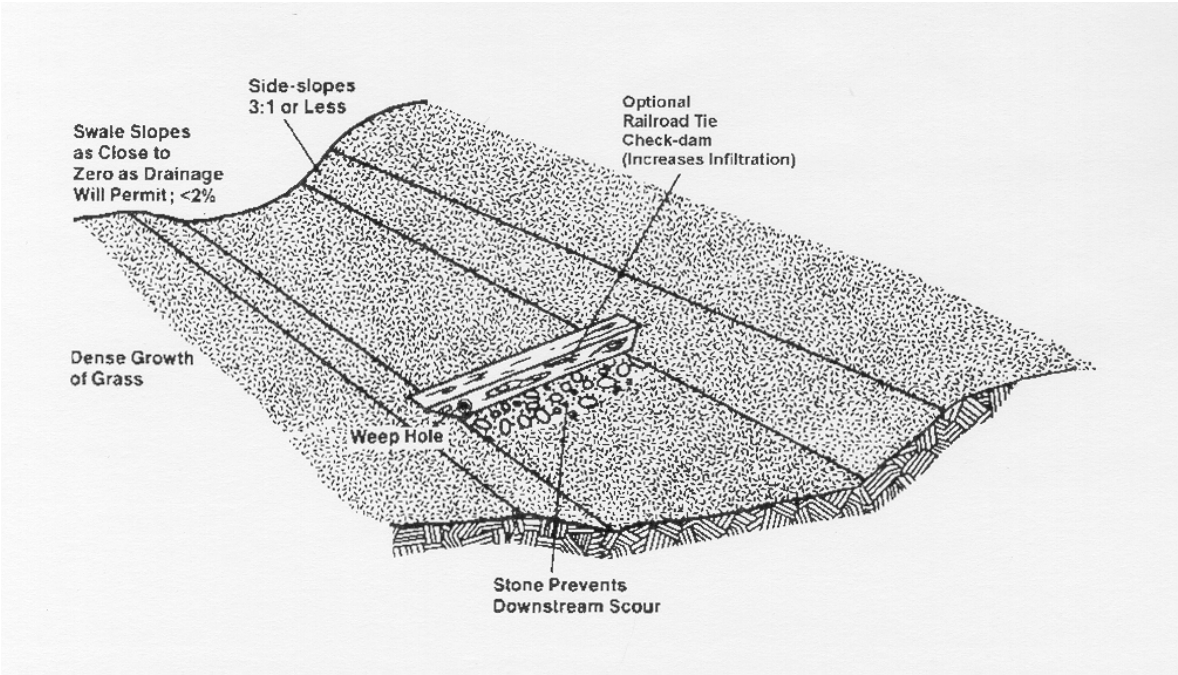


**Figure 4: Filter Strip**

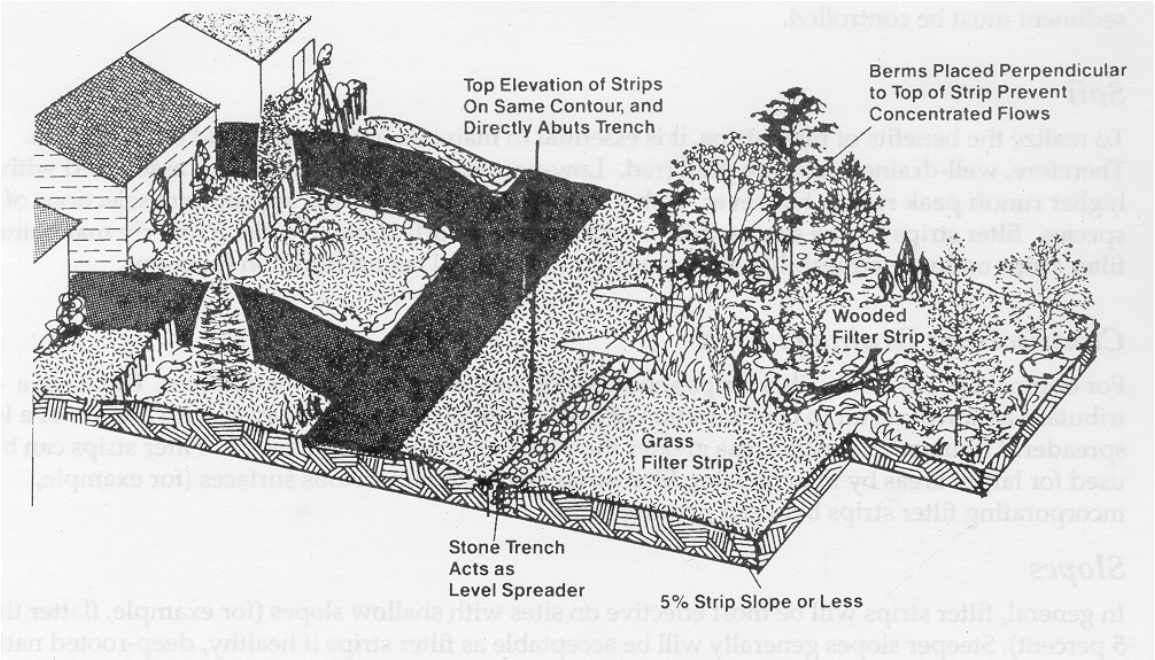


**Figure 5: Private Well**

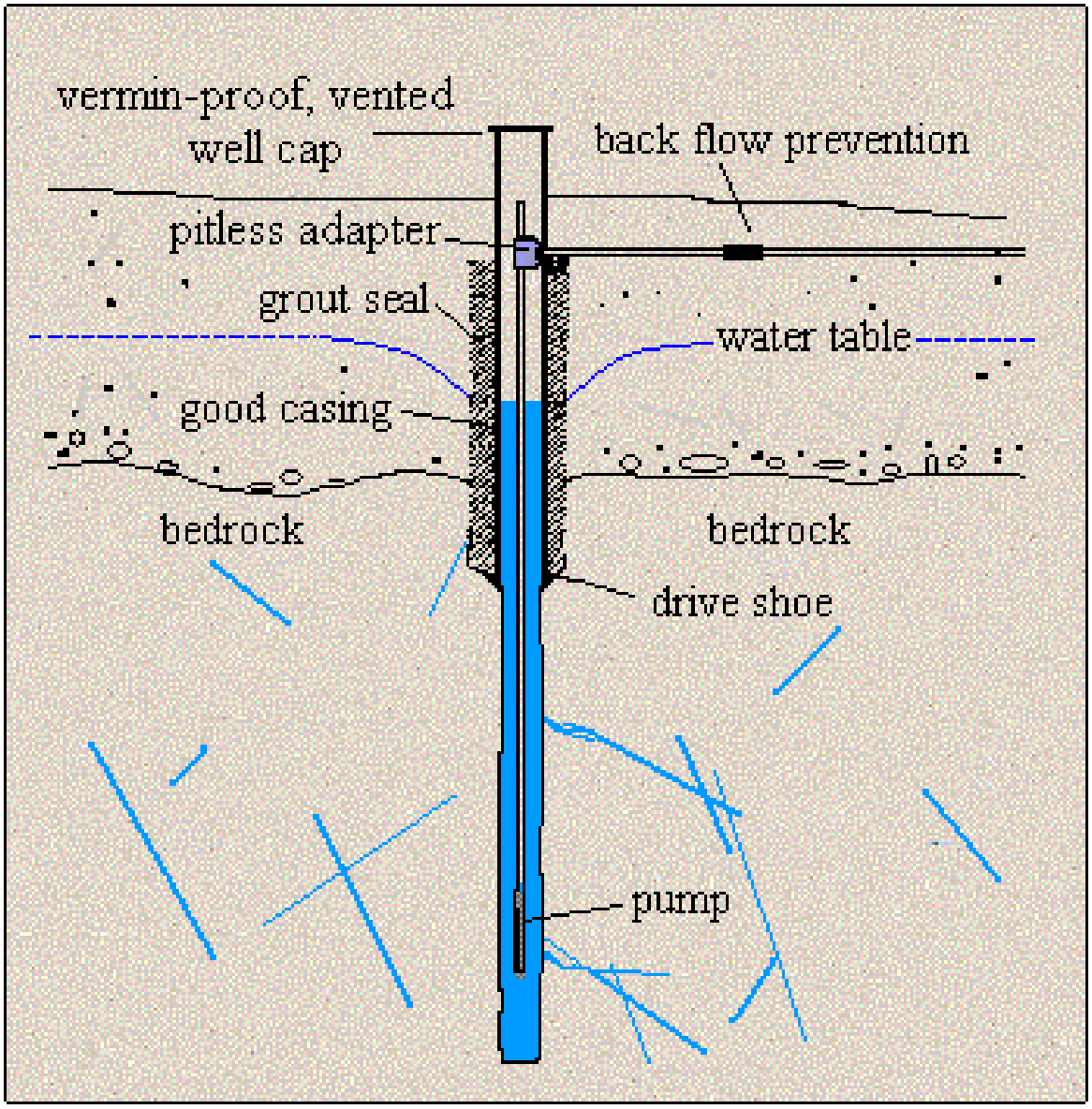
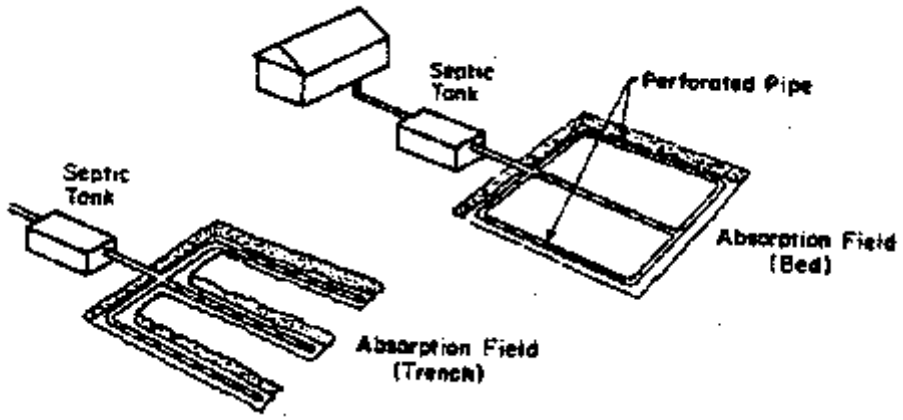
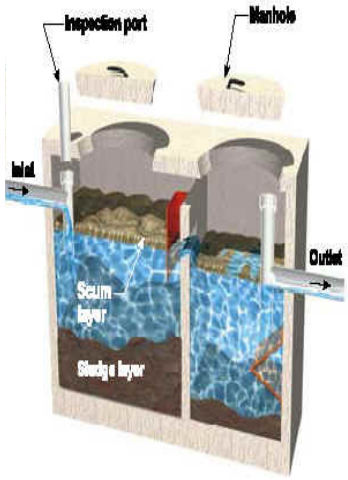


**Figure 6: Septic Tank**




Gravity Distribution System

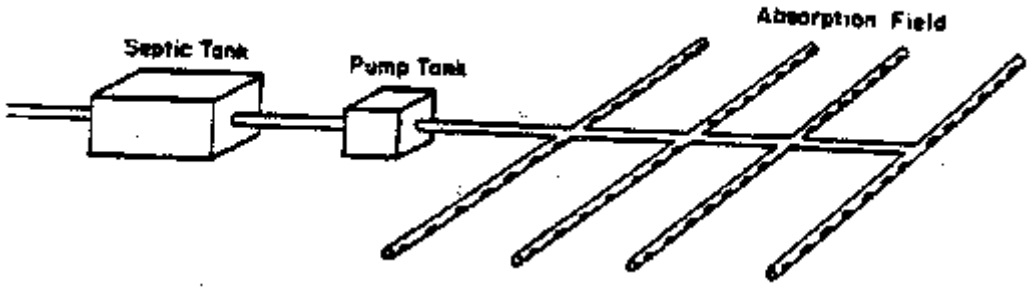


**Figure 7: Siting A Septic Tank**

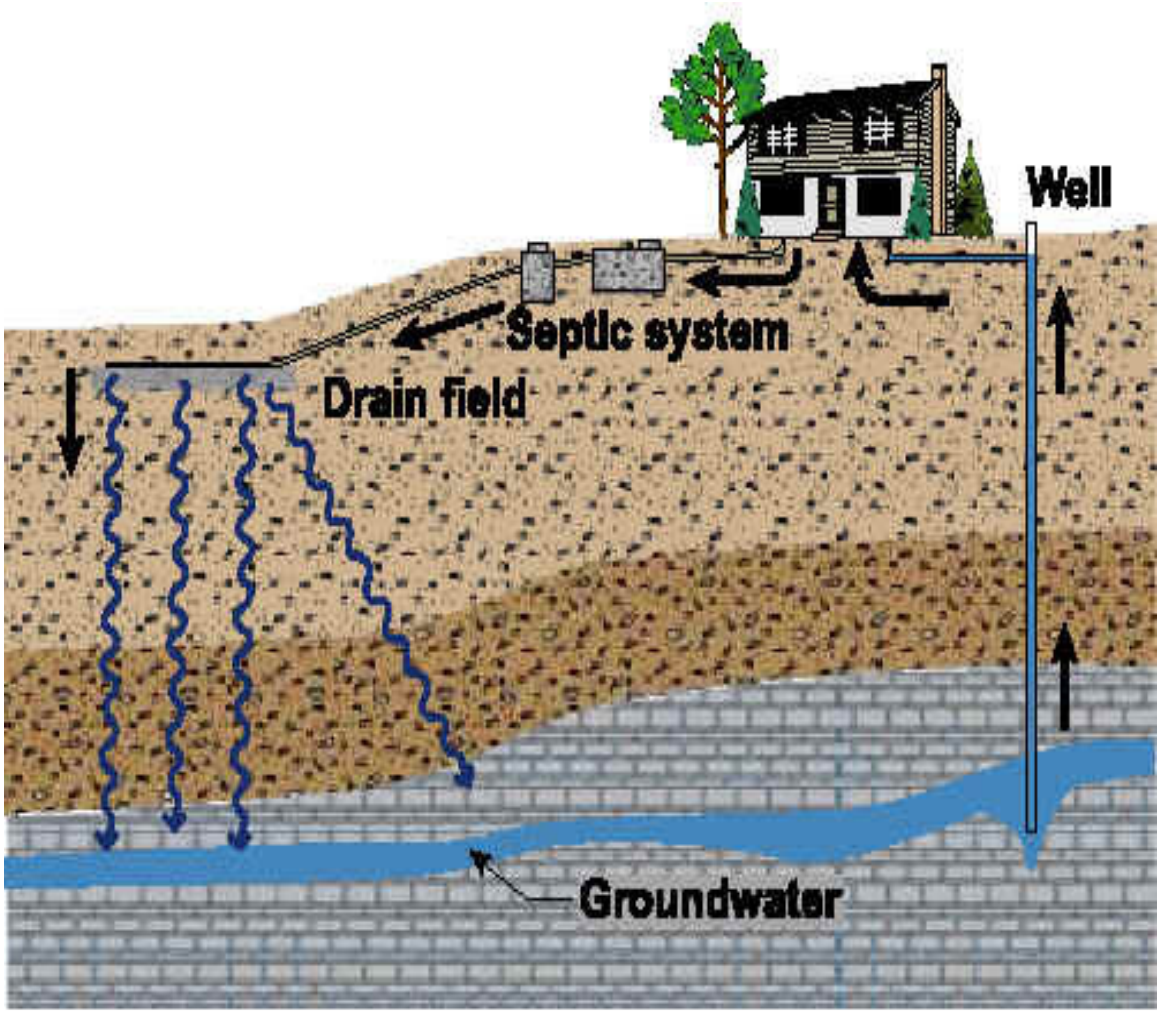


**Figure 8: Tree Protection Zone**

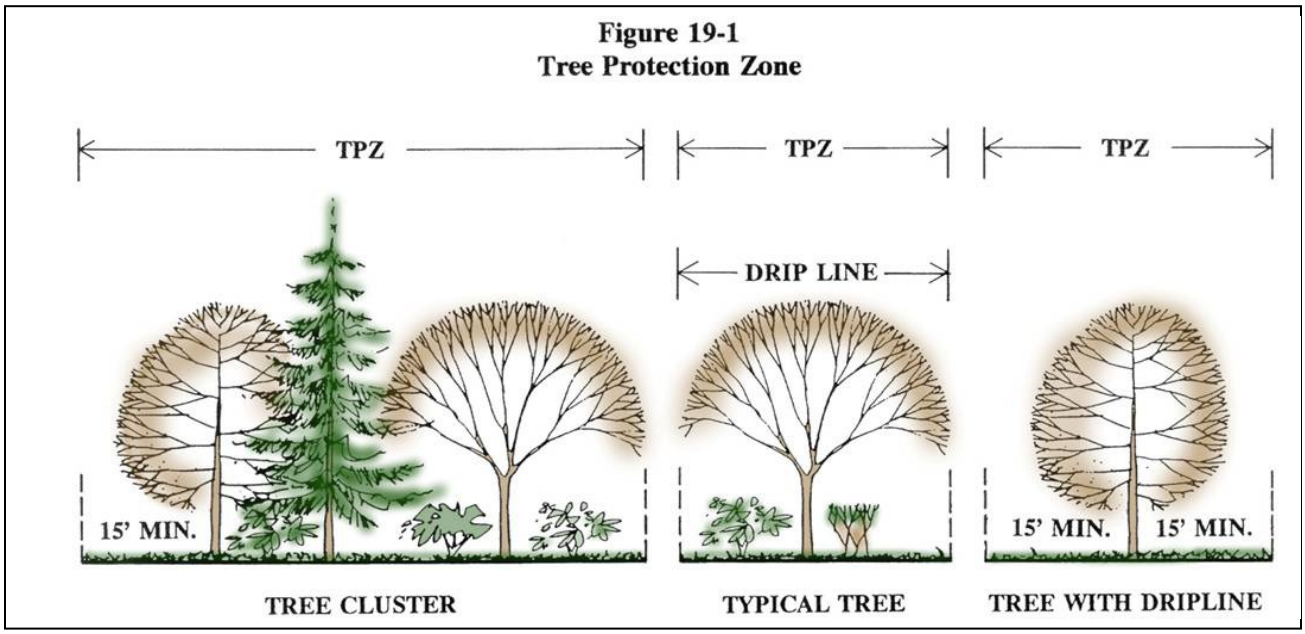
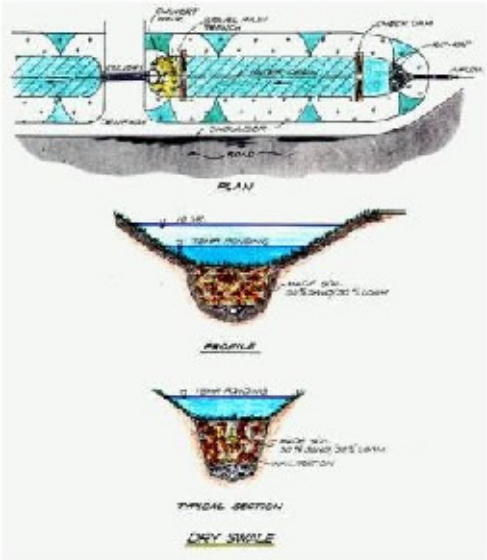
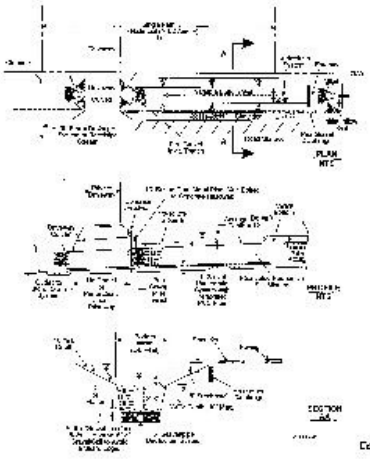


**Figure 9: Dry Swale**




Copyright 2000, CWP

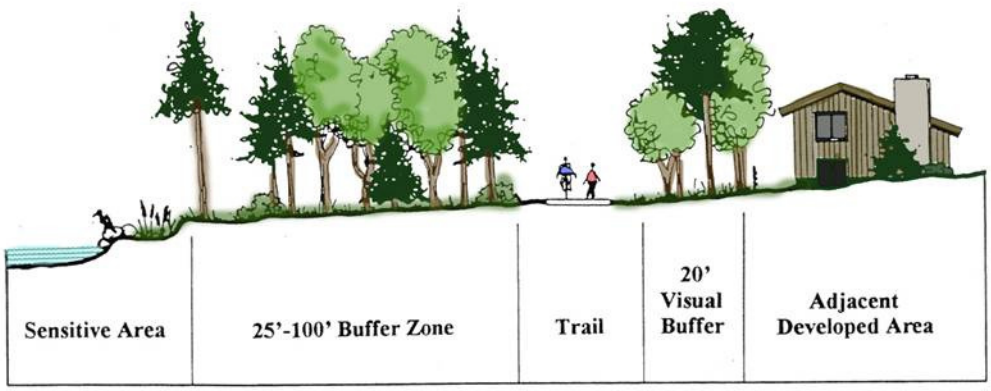
**Dry Swale Schematic with Key Design Criteria**



Copyright 2000, CWP

**Figure 10: Buffers Zones for Environmentally Sensitive Areas**

**Figure 58-2**
**Multi-Use Trail Located Near a Stream Corridor**




Source: Case Study #24, U.S. Department of Transportation, 1996.

### *Advantages*

The provision of pedestrian and bicycle facilities can provide the following benefits:

- Decreased pollution as a result of increased bicycle and pedestrian commuting;
- Decreased congestion on local and collector roads as a result of increased bicycle and pedestrian commuting;
- Reduction of the use of fossil fuels;

**Figure 11: Tree Planting** (Also refer to the Construction & Materials Standards for dimensions)

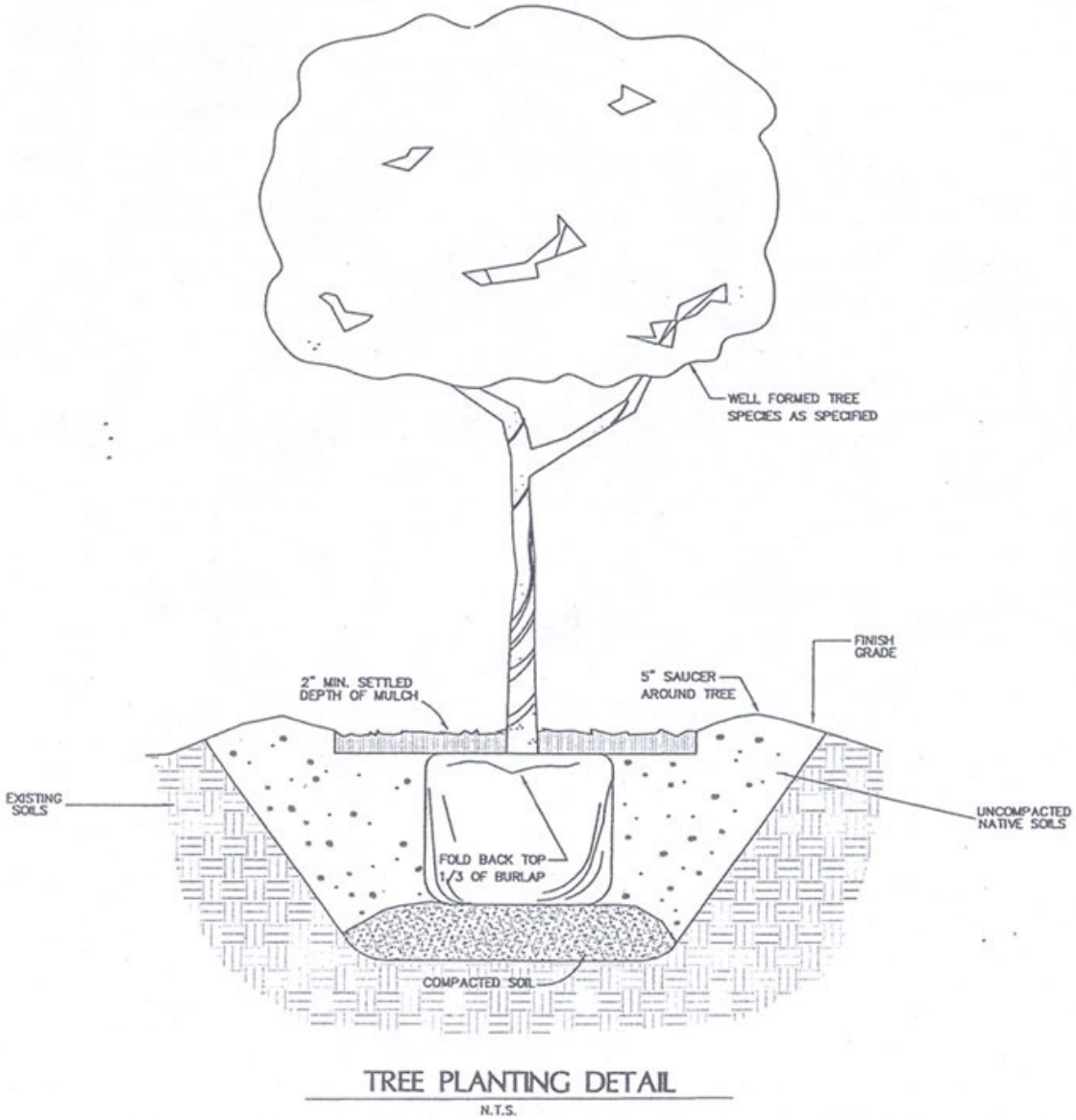



**Figure 12: Sand Filter – Washington D.C.**

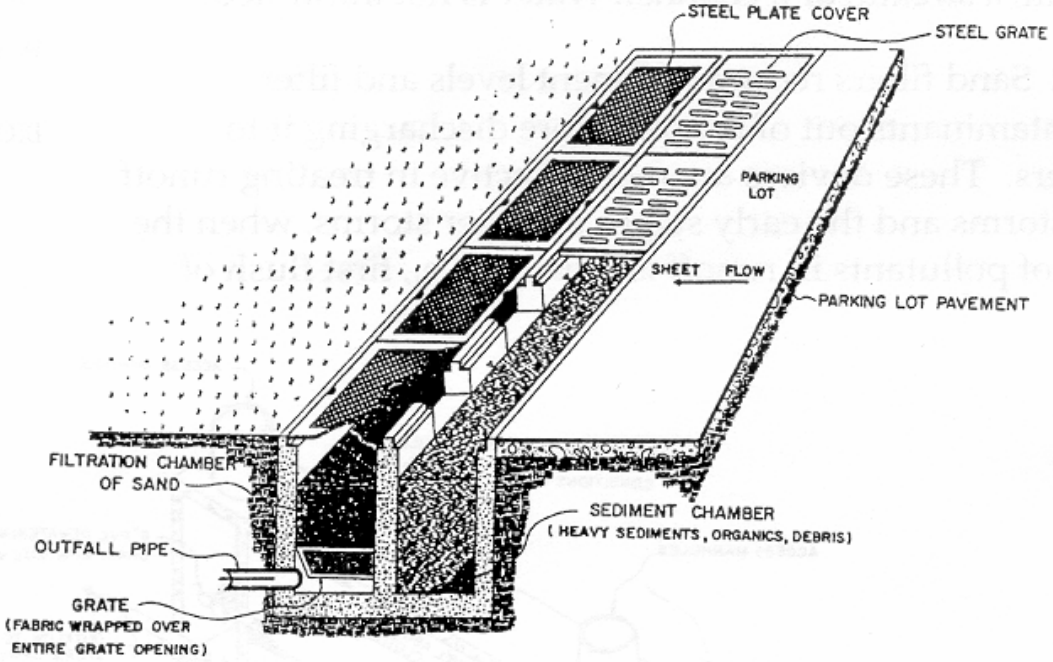

STEEL PLATE COVER
STEEL GRATE
PARKING LOT
SHEET FLOW
PARKING LOT PAVEMENT
FILTRATION CHAMBER OF SAND
SEDIMENT CHAMBER
( HEAVY SEDIMENTS, ORGANICS, DEBRIS)
OUTFALL PIPE
GRATE
(FABRIC WRAPPED OVER ENTIRE GRATE OPENING)

**Figure 13: Sand Filter – Delaware**

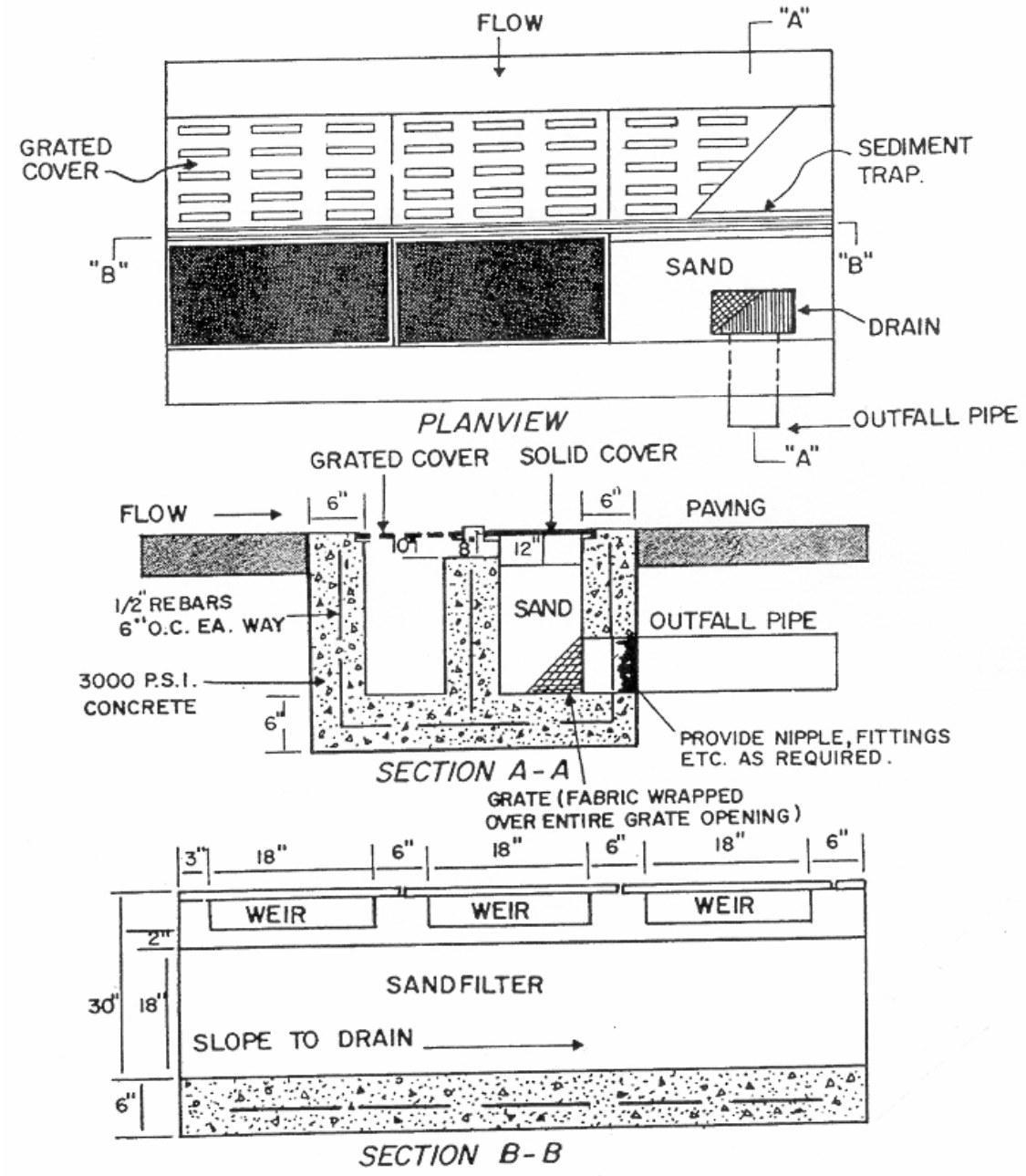


**Figure 14: Sand Filter – Austin**

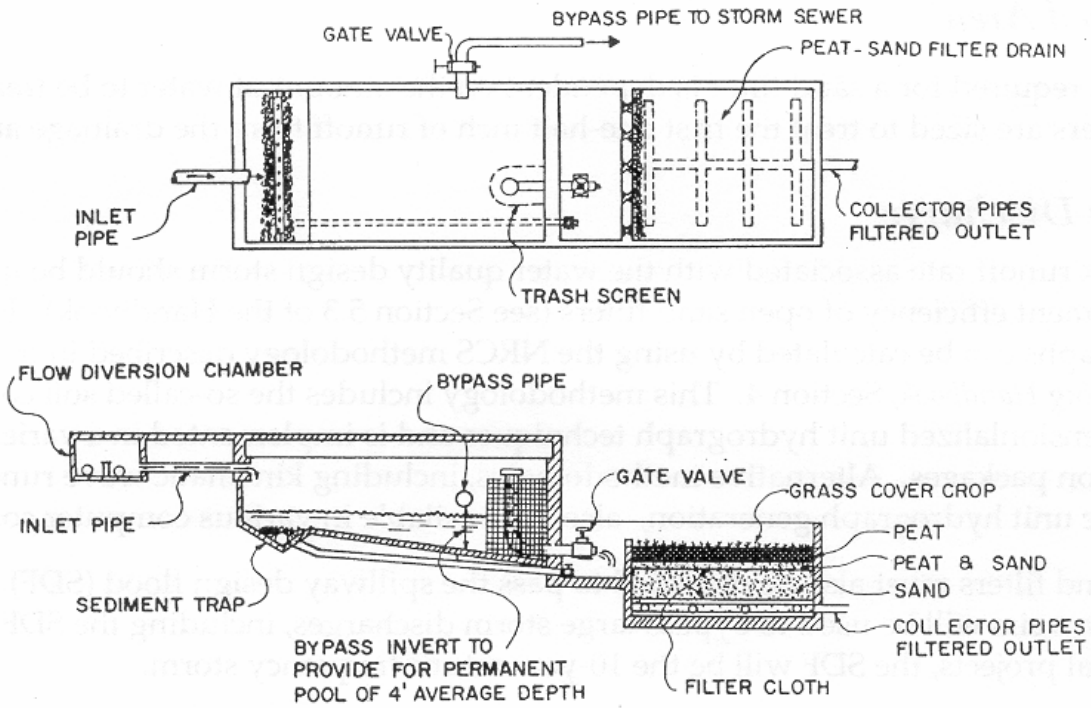


**Figure 15: Wet Pond**

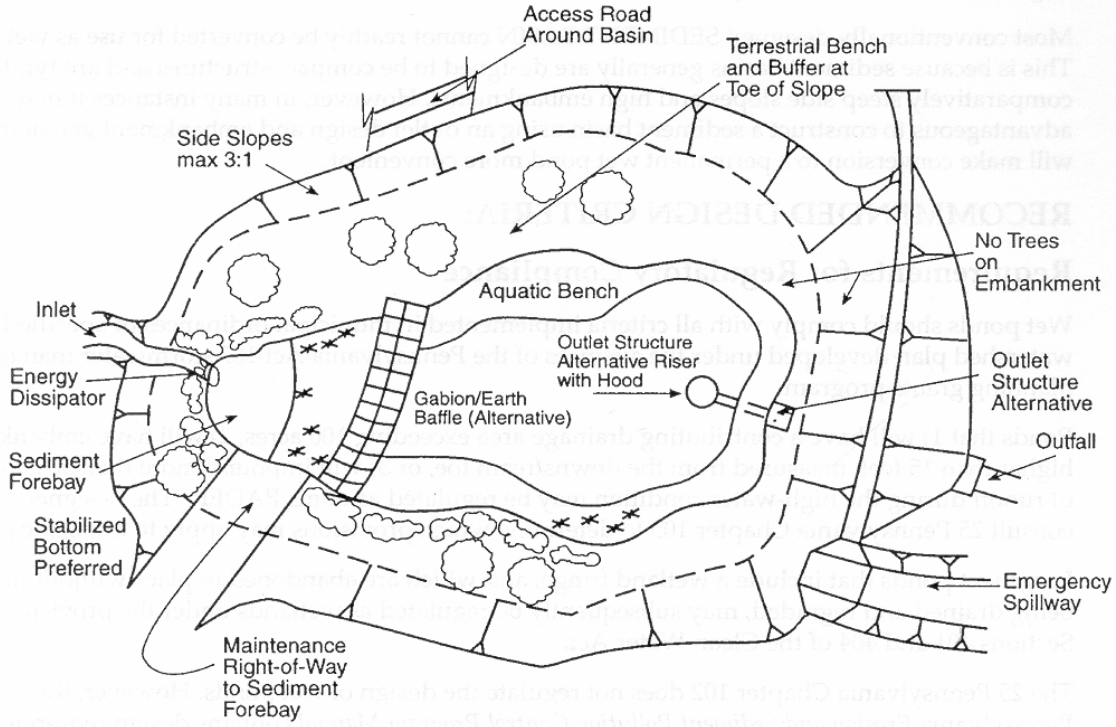


**Figure 16: Dry Pond**

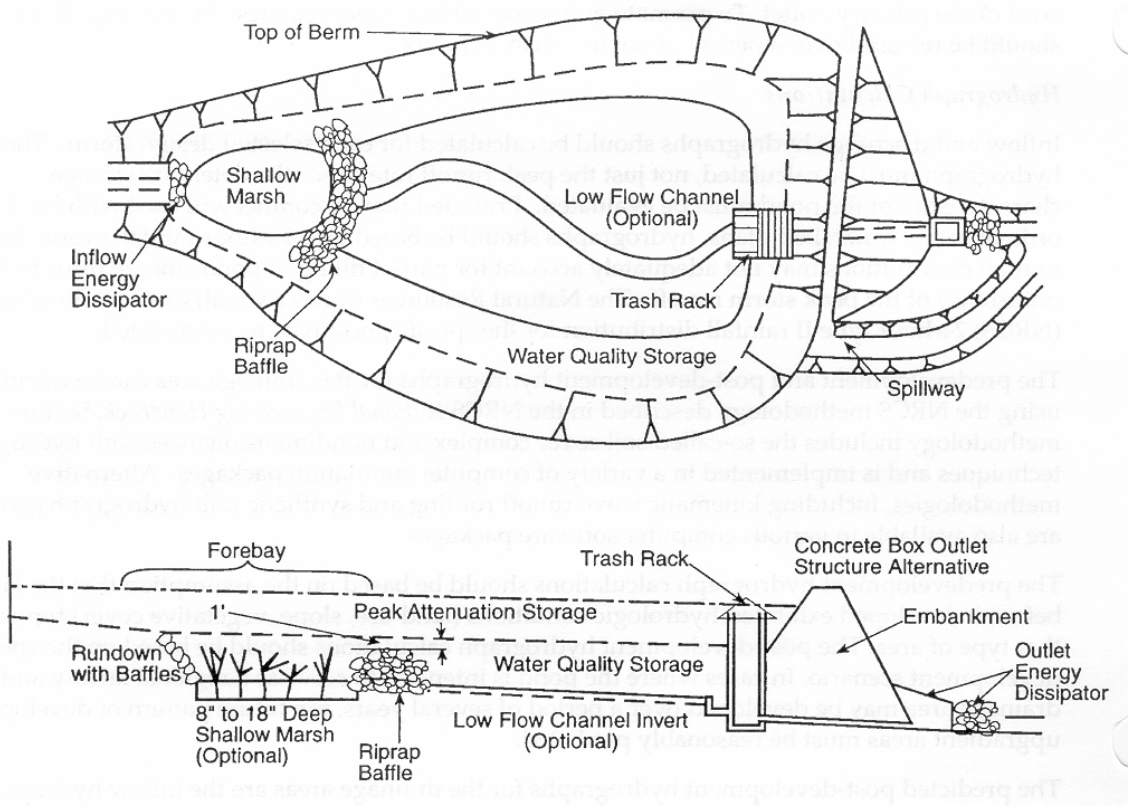


**Figure 17: Driveway Sight Distance Measurements**

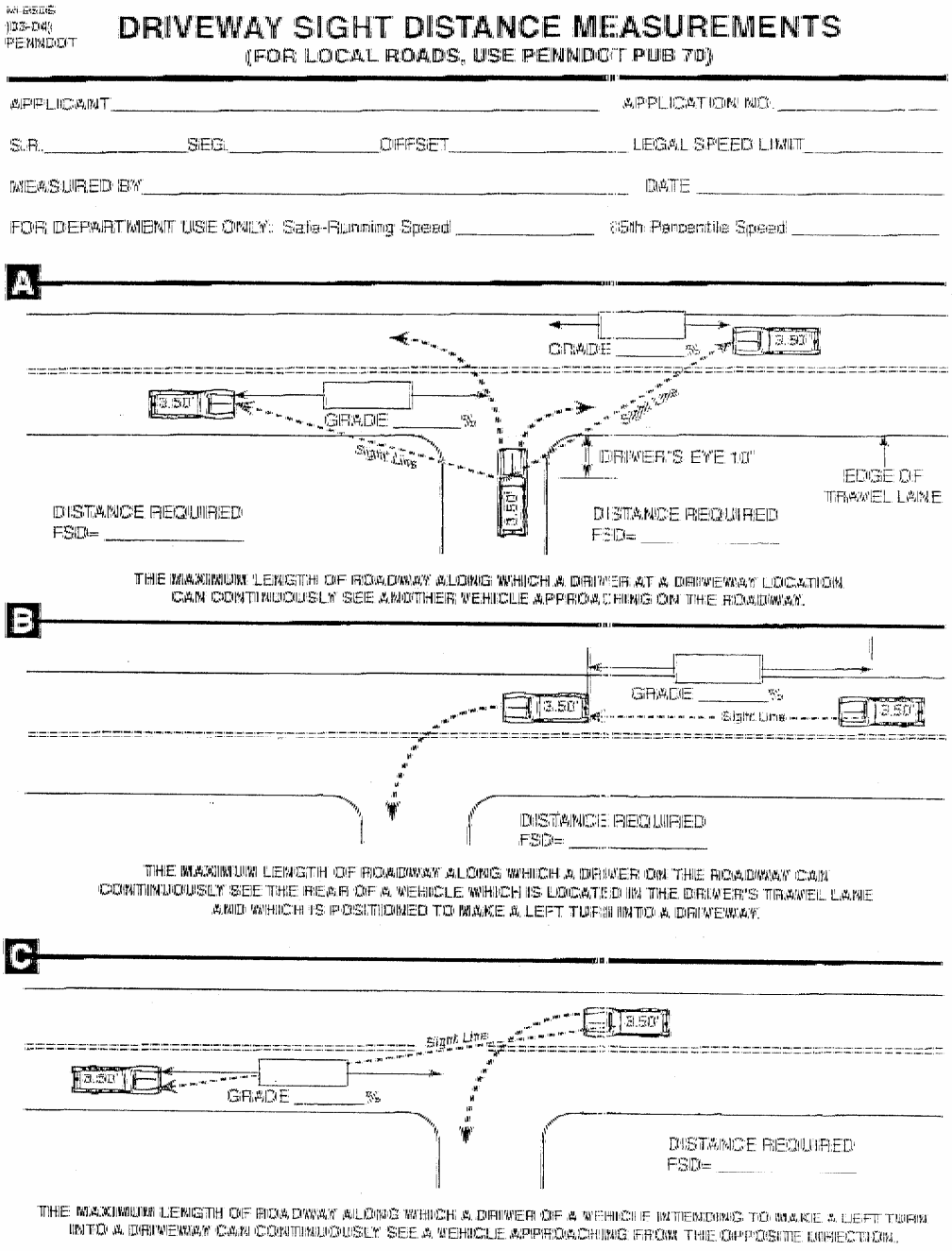


**Figure 18: Parcel History Block**

| PARCEL HISTORY | | | | | | |
|---|---|---|---|---|---|---|
| SIZE OF THE PARCEL AS IT EXISTED NOVEMBER 10, 1976: 127.20 AC | | | | | | |
| NUMBER OF DWELLING UNITS ALLOCATED: 7 | | | | | | |
| NUMBER OF DWELLING UNITS PREVIOUSLY UTILIZED: 4 | | | | | | |
| LOT NUMBER | UPI NUMBER | USE | APPROVAL DATE | RECORDING INFORMATION | DWELLING UNITS | ACREAGE |
| 2 | 45.000.CH.0320.A0.00000 | SINGLE FAMILY DETACHED DWELLING | 8-4-1990 | PLAN BOOK S; PAGE 85 | 1 | 1.18 |
| 3 | 45.000.CH.0316.00.00000 | AGRICULTURE | 8-4-1990 | PLAN BOOK S; PAGE 85 | 0 | 23.21 |
| 4 | 45.000.CH.0320.B0.00000 | SINGLE FAMILY DETACHED DWELLING | 6-3-1998 | PLAN BOOK AA; PAGE 200 | 2* | 2.49 |
| N/A | N/A | TDR | 11-2-2002 | PLAN BOOK JJ; PAGE 172 | 1 | N/A |
| * OVERSIZED LOT | | | | | | |
| NUMBER OF DWELLING UNITS TO BE UTILIZED WITH THIS PLAN: 2 | | | | | | |
| LOT NUMBER | USE | DWELLING UNITS | ACREAGE | | | |
| 5 | SINGLE FAMILY DETACHED DWELLING | 1 | 1.48 | | | |
| 6 | SINGLE FAMILY DETACHED DWELLING | 1 | 1.23 | | | |
| NUMBER OF DWELLING UNITS REMAINING: 1 | | | | | | |
| DWELLING UNITS ASSIGNED TO LOT #1 | | | | | | |
| REMAINING SIZE OF THE PARCEL: 97.61 | | | | | | |

**Page Intentionally Blank**

# APPENDIX B

## List of Acceptable Street Trees

| Botanical Name | Common Name |
|---|---|
| Acer rubrum | Red Maple |
| Acer saccharum | Sugar Maple |
| Amelanchier aborea | Serviceberry |
| Betula nigra | River Birch |
| Carpinus carolinia | American Hornbeam |
| Celtis occidentalis | Hackberry – Prairie Prince |
| Crateagus crus-gali inermis | Thornless cockspur hawthorn |
| Crateagus punctata 'Ohio Pioneer' | Ohio Pioneer Hawthorn |
| Gleditsia triacanthos inermis | Thornless Honey locust |
| Liquidamber styraciflua | Sweetgum (sterile clones only) |
| Nyssa sylvatica | Black Tupelo |
| Quercus coccinea | Scarlet Oak |
| Quercus montana | Chestnut Oak |
| Quercus phellos | Willow Oak |
| Quercus rubra | Red Oak |
| Quercus velutina | Black Oak |

## List of Invasive Plants

Invasive or noxious species are plants that are illegal or grow or reproduce aggressively, which can so dominate an ecosystem that they kill off or drive out most other plant species. They can be native or exotic species. The following list is not all inclusive.

| Botanical Name | Common Name |
|---|---|
| Acer platonoides | Norway Maple |
| Alliaria pertiolata | Garlic Mustard |
| Berberis thunbergii | Japanese Barberry |
| Berberis vulgaris | European Barberry |
| Broussonetia papyrifera | Paper Mulberry |
| Ailanthus altissima | Tree-of-Heaven |
| Cannabis sativa | Marijuana |
| Carduus nutans | Musk or Nodding Thistle |
| Celastrus orbiculatus | Oriental Bittersweet |
| Cirsium arvense | Canadian Thistle |
| Cirsium vulgare | Bull or Spear Thistle |
| Clematis temiflora | Leatherleaf Clematis |
| Coronilla varia | Crown Vetch |
| Daturum stramonium | Jimsonweed |

**List of Invasive Plants continued**

| Botanical Name | Common Name |
|---|---|
| Eleagnus umbrella | Autumn Olive |
| Festuca elatior | Tall Fescue |
| Ligustrum obtusifolium | Border Privet |
| Ligustrum vulgare | Common Privet |
| Lonicera japonica | Japanese Honeysuckle |
| Lonicera morrowii | Morrow's Honeysuckle |
| Lonicera tatarica | Tartarian Honeysuckle |
| Lythrum salicaria | Purple Loosestrife |
| Melilotus afficinalis | Japanese Stilt Grass |
| Morus alba | White Mulberry |
| Paulownia tomentosa | Empress Tree |
| Phalaris arundinacea | Reed Canary Grass |
| Polygonum perfoliatum | Mile-A-Minute Weed |
| Populus alba | White Poplar |
| Pueraria lobata | Kudzu-vine |
| Rhamnus cathartica | Common Buckthorn |
| Rosa multiflora | Multiflora Rose |
| Rubus phoenicolasius | Wineberry |
| Sorghum bicolor | Shattercane |
| Sorghum halapense | Johnson Grass |
| Spiraea japonica | Japanese Spiraea |
| Viburmum dilatatum | Linden Viburnum |
| Viburmum opulus | Guelder Rose |

Sources: Noxious Weed Control Act – 1982-74. Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Plant Industry. Brandywine Conservancy. Chester County Planning Commission.