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## ARTICLE I

### TITLE, PURPOSE, ADOPTION – AUTHORITY AND JURISDICTION

#### **101 TITLE**

This Ordinance shall be known and may be cited as the “Newberry Township Subdivision and Land Development Ordinance of 2006.

#### **102 PURPOSE**

The purpose of this chapter is to generally implement the Newberry Township Comprehensive Plan and protect the public health, safety and general welfare. The provisions of this chapter shall be administered to ensure harmonious development and shall supplement and facilitate the provisions of the Newberry Township Zoning Ordinance, and other applicable ordinance, by:

1. Assisting in the orderly and efficient integration of land developments within the Township.
2. Guiding the future growth and development of Newberry Township in accordance with its adopted Comprehensive Plan and other municipal documents.
3. Ensuring the provision of adequate public facilities including roadways, walkways, greenways, bikeways, trails, street lighting, water supply, storm and sanitary sewerage facilities, open spaces and other improvements for the public health, safety and welfare.
4. Ensuring coordination of inter-municipal and intra-municipal public improvement plans and programs.
5. Securing and enhancing the protection and connection of water resources, drainageways and other important environmental resources and natural features.
6. Facilitating the safe and efficient movement of traffic.
7. Securing equitable handling of all development plans by providing uniform standards and procedures.
8. Ensuring the efficient and orderly extension of community services and facilities at minimum cost and maximum convenience.
9. Ensuring that any area described or reserved for use as public grounds by the developer shall be suitable in size and location for their designated uses.

**103 ADOPTION-AUTHORITY**

The Board of Supervisors of Newberry Township, York County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended (herein after, the “MPC”), hereby enacts and ordains the following Ordinance governing subdivisions and land developments within Newberry Township.

The Board of Supervisors shall administer and enforce this Ordinance and does hereby designate the Newberry Township Development Committee and Planning Commission as agencies of the Board of Supervisors:

1. With which applicants shall hold all pre-application consultations relating to the plans.
2. To which applications relating to either preliminary or final approval of subdivision and land development plans, and waivers are referred by the Board of Supervisors.
3. Which makes recommendations to the Board of Supervisors concerning approval, disapproval, modification and conditions of approval of such plans.
4. Which makes recommendations to the Board of Supervisors concerning the interpretation of and the granting of waivers to provisions and standards of this Ordinance.

**104 REVIEW OF PLANS BY THE YORK COUNTY PLANNING COMMISSION**

Applications for subdivision and land development located in Newberry Township shall be forwarded upon receipt, with appropriate review fee, to the York County Planning Commission for review and report. The Board of Supervisors shall not approve such application until the County review and report has been received or until the expiration of thirty (30) days from the date the application was forwarded to the York County Planning Commission. As evidence of their review and report, officials of the York County Planning Commission shall sign final plots which have been formally approved by the Township before such plans are presented for recording.

**105 JURISDICTION**

- 105.01 This Ordinance shall apply to all subdivision and land development plans submitted after the effective date of the Ordinance.

- 105.02 This Ordinance shall apply to all subdivision and land development plans, previously approved in accordance with any law or regulation then applicable, the development of which has not been completed in accordance with the terms of such approval within five (5) years of such approval. However, this section shall not affect the vested rights of the landowner as provided in the MPC.
- 105.03 This Ordinance shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of the previous Newberry Township Subdivision and Land Development Ordinance, on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance, nor shall any provisions of this Ordinance be construed to waive the obligations imposed upon an applicant to complete a previously approved Preliminary or Final Plan including the installation of all improvements required hereunder, in strict compliance with the requirements of the effective Newberry Township Subdivision and Land Development Ordinance.
- 105.04 No subdivision or land development of any lot, tract, or parcel of land in Newberry Township shall be affected; no street, sanitary sewer, storm sewer, water main, or other facilities 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 thereon unless and until authorized by this Ordinance.
- 105.05 All subdivision and land development plans are subject to the prevailing Township Zoning Ordinance, and all other applicable ordinances, regulations, and requirements of the Township.

## **106 INTERPRETATION**

- 106.01 In interpreting and applying the provisions of this chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience and greater welfare of the residents and property owners of Newberry Township.
- 106.02 In any case where a provision of this chapter is found to conflict with the provision of a zoning, building, fire, safety or health ordinance or code of the Township, or law, rule or regulation of the Commonwealth of Pennsylvania (hereinafter the "Commonwealth"), the provisions which establish the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- 106.03 In any case where a provision of this chapter is found to be in conflict with the provisions of another ordinance or code of the Township, or law, rule or regulation of the Commonwealth, which establishes a less restrictive standard for the promotion and protection of the health and safety of the people, the provisions of this chapter shall be deemed to prevail. In addition, should the MPC be amended to establish mandatory provisions which would be inconsistent herewith,

those mandatory provisions shall be deemed to be incorporated herein by reference thereto without further amendment of this chapter.

## ARTICLE II

### DEFINITIONS

#### **201 GENERAL**

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this section.

#### **202 GENERAL TERMS**

In this Ordinance, when not inconsistent with the context:

1. Words in the present tense imply also the future tense,
2. The singular includes the plural,
3. The male gender includes the female and neutral genders,
4. The term “person”, “subdivider”, “landowner”, “developer”, and “applicant” includes an individual, partnership, corporation, unincorporated association, estate, or any other legally recognized entity.
5. The terms “shall” and “must” are always mandatory and directive.
6. The terms “should” and “may” are permissive.

#### **203 SPECIFIC TERMS**

The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance. If a word is not defined by the Ordinance, but is defined in the Township Zoning Ordinance, the Zoning Ordinance definition shall apply to this Ordinance.

##### Access Drive

A private improved surface other than a street or driveway designed and constructed to provide for vehicular movement from a street to a parking area, garage, dwelling, building or other structure within a lot or property containing any use other than one single-family dwelling unit or farm. For purposes of this Ordinance, access drives shall be required for all commercial, institutional, industrial, multi-family, and all other uses not served by a Driveway as defined in this Ordinance.

Agent

Any person other than the developer, who, acting for the developer, submits subdivision or land development plans to the Township for the purpose of obtaining approval thereof.

Aisle

The traveled way by which cars enter and depart parking spaces.

Alley

A strip of land over which there is a public or private right-of-way intended to serve as secondary vehicular access to the side and/or rear of those properties whose frontage is on a street. An alley is not a street and is not intended for general traffic circulation.

Applicant

A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

Application for development

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

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.

Bike Lane or Bicycle Lane.

A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

Bike Path or Bicycle Path

A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

Block

A tract of land which is entirely bounded by streets, public parks, cemeteries, railroads, watercourses, or any other barrier to the continuity to development.

Board of Supervisors

The Board of Supervisors of Newberry Township, York County, Pennsylvania.



### Building

Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes stated above. For the purposes of this section, the word building shall include gas or liquid storage tanks.

### Building Accessory

A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, which is located on the same lot as that occupied by the principal building. Farm buildings not intended for habitation are considered to be accessory buildings.

### Building Principal

A building which is enclosed within exterior walls or fire walls, which is built, erected, and framed of component structural parts, which is designed for housing, shelter, enclosure, and support of individuals, or property of any kind, and which is a main structure on a given lot.

### Building Area

The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, awnings, terraces and steps.

### Building Setback Line

A line within a property and parallel to a property line or street right-of-way line which delineates the required minimum distance between any permitted structure or building and that property line or street right-of-way line.

### Cartway

The improved portion of a street, road, or alley available for vehicular traffic, but not including unimproved shoulders, and curbs, sidewalks or swales.

### Channel

A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

### Clear Sight Triangle

A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

### Common Open Space

A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of

residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Comprehensive Plan

The plan, or parts thereof, which have been adopted by the Board of Supervisors, that constitutes a policy guide to decisions about the physical and social development of the Township.

County

The County of York, Commonwealth of Pennsylvania.

Curb

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

Curb Line

The outside edge of the cartway.

Dedication

The deliberate appropriation of land by its owner to another party.

Deed

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

Density

A term used to express the allowable number of dwelling units per acre of and, exclusive of public rights-of-way and private streets.

Designated Growth Area

Region within a county or counties described in a municipal or multimunicipal plan that preferably includes and surrounds a city, borough or village, and within which residential and mixed use development is permitted or planned for at densities of one unit to the acre or more, commercial, industrial and institutional uses are permitted or planned for and public infrastructure services are provided or planned.

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 Committee

An agency appointed by the Board of Supervisors, composed principally of Township staff and York County Planning Commission, for the purpose of assisting the Township Planning Commission and the Board of Supervisors in the administration of the Subdivision and Land Development Ordinance.

### Development Plan

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

### Driveway

A private improved surface designed and constructed to provide vehicular movement from a street to a parking area, garage, dwelling, building or structure within a lot or property containing a one single-family dwelling unit or a farm, except as provided in Section 605.04.8.f of the Subdivision and Land Development Ordinance pertaining to Joint Use Driveways.

### Easement

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

### Engineer

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

### Floodplain

An area under the jurisdiction of the floodplain zones in the Newberry Township Zoning Ordinance, as amended.

### Footcandle

Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), stated in lumens per square foot and measurable with an illuminance meter, a.k.a. light meter.

### Frontage

The linear measurement taken along a property's common boundaries with adjoining street rights-of-way, other than a limited access highway.

### Full Cutoff

Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10% of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the fixture.

### Fully Shielded

Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.

Glare

Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted to cause loss in visual performance or annoyance, so as to jeopardize health, safety or welfare.

Governing Body

The Board of Supervisors of Newberry Township, York County, Pennsylvania.

Grade

The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet.

Illuminance

Quantity of light, measured in footcandles.

Improvements

Physical changes to the land (including but not limited to, grading, paving, curbs, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, street signs, monuments, water supply facilities, and sewage disposal facilities) that may be necessary to produce usable and desirable developments.

Land Development

The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

1. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or
3. A subdivision of land.

However, the following shall not be considered a land development:

1. The conversion of an existing single-family detached or semi-detached dwelling into no more than three residential units with no exterior building expansion or new impervious surface; or
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 (1,000) square feet of ground floor area or the addition of a building to be used

exclusively in connection with the agricultural use of the property containing less than five thousand (5,000) square feet of ground floor area, which accessory building is subordinate to an existing principal building.

Land Surveyor

A Land Surveyor registered in the Commonwealth of Pennsylvania.

Landowner

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

Landscape Architect

A landscape architect registered in the Commonwealth of Pennsylvania.

Lateral

A utility line between a utility main that is located within a utility easement, and the single building which the line serves.

Light Trespass

Light emitted by a lighting fixture or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.

Limit of Disturbance

The area of a lot, tract or parcel which is proposed to be disturbed for purposes of land development, building or other improvements.

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.

Lot, Corner

A lot which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon 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 degrees (135°). Corner lots shall have two (2) front yards (abutting the street), one (1) side, and one (1) rear yard.

Lot, Flag

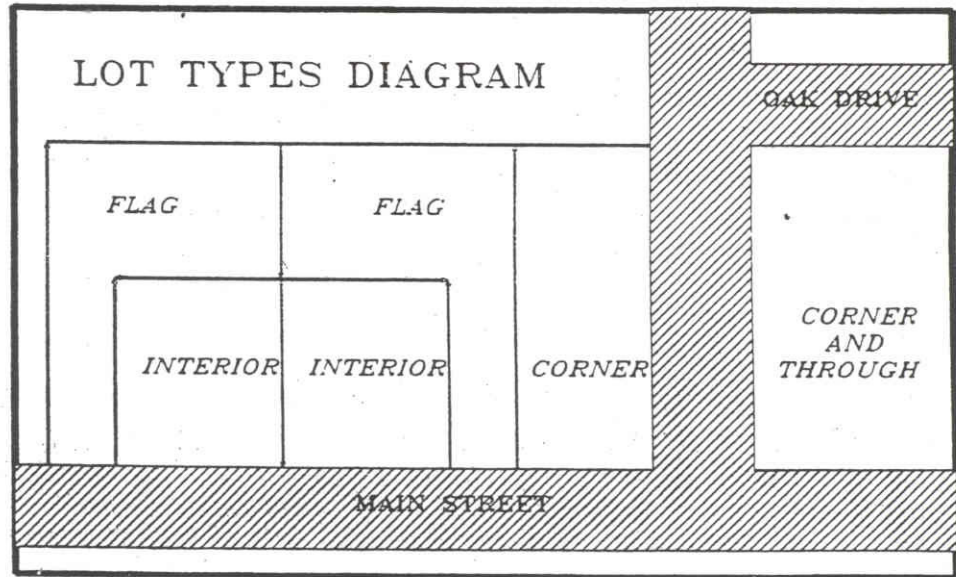
A lot whose frontage does not satisfy the minimum width requirements for the respective zone, but that does have sufficient lot width away from the lot's frontage.

Lot, Interior

A lot other than a corner lot, the sides of which do not abut a street.

Lot, Through or Lot, Reverse Frontage

An interior lot having frontage on two (2) parallel or approximately parallel streets.



Lot Area

The area contained within the property lines of an individual lot, excluding any area within any public rights-of-way and any drainage easement, but including the area of any other easement.

Lot Coverage

A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

Lot Depth

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

Lot Width

The continuous linear horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line. Unless otherwise noted, minimum lot width requirements shall be measured at the building setback line and the street line.

Lumen

As used in the context of this Ordinance, the light-output rating of a lamp (light bulb).

Mobile Home

A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units, designed to be joined into one integral unit, and 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. The term "manufactured home" may be used synonymously.

Mobile 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.

Mobile Home Park

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

Municipality

Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

Open Space and Greenway Land

That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Greenway land may be accessible to the residents of the development and/or the municipality, or it may contain areas of conservancy lots which are not accessible to the public.

Pedestrian Easement

A right-of-way, municipally or privately owned, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

Plan

The map representing a tract of land including all supplementary data specified in Article IV of this Ordinance. The following are the types of plans specified by this Ordinance:

a) As-Built

A corrected final plan, showing dimensions and locations of all streets and other public improvements as actually constructed.

b) Sketch Plan

An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal for consideration prior to the formal submission of a plan.

c) Final Plan

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

d) Preliminary Plan

A complete and exact subdivision and/or land development plan, the purpose of which is to authorize the preparation of final plans.

Planning Commission

The Planning Commission of Newberry Township.

Prime Agricultural Land

Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture/Natural Resource and Conservation Services, York County Soil Survey.

Professional Consultants

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

Public Grounds

Public parks, playgrounds, open space and other public areas; and sites for school, sewage treatment, refuse disposal and other public owned or operated facilities.

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 this act.

Public Improvement

Any improvement, facility, or service area together with its associated public site or right-of-way necessary to provide access, drainage, public or private utilities, energy or similar essential services.

Public Meeting

A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).



### Public Notice

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

### Ravine

A valley with sharply sloping walls created by the action of stream waters.

### Right-of-Way

A corridor of publicly owned or eased land for purposes of maintaining primary vehicular and pedestrian access to abutting properties, including but not limited to, roads, streets, highways and sidewalks. Abutting property owners are prohibited from encroaching across the right-of-way line. (See also "Street Line")

### Rural Resource Area

An area described in a municipal or multimunicipal plan within which rural resource uses including, but not limited to, agriculture, timbering, mining, quarrying and other extractive industries, forest and game lands and recreation and tourism are encouraged and enhanced, development that is compatible with or supportive of such uses is permitted, and public infrastructure services are not provided except in villages.

### Screening -

- a. The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features.
- b. A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous development.
- c. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after 12 months and which shall be maintained in an opaque condition: walls, berms or plantings.

### Slope

The degree of deviation of a surface from the horizontal. Slope is expressed in a percentage which indicates the rate of elevation change in feet per one hundred (100) feet.

### Stream

A watercourse with definite bed and banks which confine and convey continuously or intermittently flowing water.

Stream, Intermittent

A natural stream carrying water during the wet seasons and having at least one critical area feature.

Stream, Perennial

A stream that is present at all seasons of the year.

Street

A public or private way, excluding driveways, access drives and alleys, which affords the means of access to abutting properties, intended to be used by vehicular traffic or pedestrians. This includes a street, avenue, boulevard, road, highway, freeway, lane, viaduct and any other dedicated and accepted public right-of-way or private right-of-way. Streets are further classified as follows:

Arterial

A street or road used primarily for through traffic that maximizes mobility over land access through infrequent driveway intersections. This type of roadway typically connects urban centers with outlying communities and employment or shopping centers, and generally all other roads identified in the Newberry Township Comprehensive Plan as arterial streets.

Collector

A street or road used primarily for moving traffic from minor or local streets to the major system of arterial streets and/or linking those streets to community wide activity centers, including but not limited to the large residential developments, commercial and industrial areas, smaller rural settlements as well as all roadways identified in the Newberry Township Comprehensive Plan as collector streets..

Cul-de-Sac

A street with a single common ingress and egress with a turnaround at the end. A cul-de-sac street shall be designed as a minor or local street.

Minor or Local

A street or road used primarily for immediate access to adjoining land uses and are generally separated from through traffic. These roads are generally intended for transportation within a particular neighborhood, serving internally developed areas, while in outlying rural areas, local or minor roads tend to run for great distances and serve more individual properties. Local or minor roads also connect with roadways identified in the Newberry Township Comprehensive Plan as local or minor streets or one of the higher classifications of roadways.

### Street Centerline

The horizontal line paralleling the street that bisects the street right-of-way line into two (2) equal widths. In those instances where the street right-of-way cannot be determined, the street centerline shall correspond to the center of the cartway.

### Street Grade

The elevation of a street along the centerline of the cartway.

### Street Line (Right-of-Way Line)

A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line.

### Street, Private

A street not offered for dedication or whose dedication, was not accepted by the Township.

### Structure

- a. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, but excluding patios, driveways, access drives, walkways and parking areas or other at-grade structures. All structures must meet setback requirements. (See Building).
  - 1) ACCESSORY STRUCTURE - A structure closely incidental or subordinate to the principal use of a building or land on the same lot and serving a purpose customarily incidental to the use of the principal building or land use (e.g., swimming pools, patios, antennas, tennis courts, garages, utility sheds, etc).
  - 2) PRINCIPAL STRUCTURE - The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.
- b. Structures shall not include such things as fences, sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, mailboxes, and any other similar nonpermanent improvements.

### Subdivision

The division or redivision of a lot, tract, or parcel of land by any means into two 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 streets or easements of access or residential dwelling shall be exempted.

Substantially Completed

Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the MPC) 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.

Swale

A wide shallow ditch which gathers or carries surface water.

Township

Newberry Township, York County, Pennsylvania, Board of Supervisors, its agents, or authorized representatives.

Township Engineer

A duly registered professional engineer, licensed as such by the Commonwealth of Pennsylvania, employed by the Township or engaged as a consultant thereto.

Unit of Occupancy

A unit the use of which is not subordinate or customarily incidental to a principal unit. A unit of occupancy can be an independent unit within a building or a separate, detached building.

Waiver

A process for alleviating specific requirements imposed by this Ordinance pursuant to the MPC. Waivers are provided under Sections 308 of this Ordinance.

Watercourse

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

Wetland

Area with the characteristics of wetland, as defined by the U. S. Environmental Protection Agency, U. S. Army Corps of Engineers, PA DEP, and the USDA/NRCS. Wetland areas are not limited to the locations delineated on wetland maps prepared by the U. S. Fish and Wildlife Service.

Woodland Mature

Woodlands consisting of 30% or more canopy trees having a twelve-inch or greater caliper, or any small concentration of trees consisting of eight or more trees having a sixteen-inch or greater caliper.

Woodland, Young

Woodlands consisting of 70% or more canopy trees having a two-and-one-half-inch caliper or greater.

Woodlands

Areas covered with stands of trees, the majority of which are greater than twelve-inch caliper, covering an area greater than 1/4 acre, or a small concentration of mature trees without regard to minimum area consisting of substantial numbers of individual specimens.

Yard

An area between the permitted structures and the property lines.

Zoning Officer

A duly constituted municipal officer designated to administer and enforce the Township Zoning Ordinance in accordance with its literal terms.

Zoning Ordinance, Township

The most current version of the Newberry Township Zoning Ordinance, Ordinance No.163 of October 21, 1982, as amended.

## ARTICLE III

### PLAN PROCESSING PROCEDURES

#### **301 GENERAL**

301.01 Whenever a subdivision of land and/or land development is desired to be effected in Newberry Township, York County, Pennsylvania, a plan of the layout of such subdivision and/or land development shall be prepared, filed and processed according to the requirements of this Article as follows.

301.02 The Township Development Committee, Township Planning Commission, Township Engineer, other Professional Consultants hired by the Township, various other officials, and the York County Planning Commission are advisory to the Township Board of Supervisors.

301.03 Items 301.03.1, 301.03.2 and 301.03.5 through 301.03.8 of this Ordinance are required. These steps shall be followed sequentially, and may be combined only at the discretion of the Township.

Items 301.03.3 [optional Site Inspection] and 301.03.4 [optional Sketch Plan] of this Ordinance are optional, but important, valuable and highly recommended steps that will speed the review process and may result in lower costs for the project.

1. Pre-Application Meeting with Development Committee (required)
2. Existing Resources and Site Analysis Plan, as described in Section 402 of this Ordinance (required)
3. Optional Site Inspection by Development Committee and the Applicant (optional step)
4. Optional Sketch Plan Submission (as described in Section 401 of this Ordinance) (optional step)
5. Preliminary Plan Preparation (as described in Section 402 of this Ordinance) and Submission: Determination of Completeness; Preliminary Resource Conservation Plan and Sewage Planning Module Submission; Review by the Development Committee, Township Planning Commission and York County Planning Commission, and Township Engineer; and Approval by the Newberry Township Board of Supervisors on advice of the Development Committee and Township Planning Commission. (required)

6. Final Plan Preparation (as described in Section 403 of this Ordinance) and Submission: Incorporation of all Preliminary Plan Approval Conditions, Documentation of all other agency approvals, as applicable; Determination of Completeness, Review and Approval (required)
7. Township Board of Supervisors' signatures (required)
8. Recording of approved Final Plan with the York County Recorder of Deeds (required)

301.04

PLAN CLASSIFICATION FOR MINOR AND MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS.

For the purposes of procedure, all applications shall be classified as either major or minor:

1. MINOR.

Any subdivision in which:

- a. No public or private streets are constructed or required to be widened;
- b. No other completion of public improvements or guarantee thereof is required other than individual on-lot stormwater management systems;
- c. No earthmoving activities will take place except those incidental to construction of a single-family dwelling on each lot; and
- d. No more than five (5) lots/units of occupancy are created (single or cumulative on a parent tract as it existed on January 1, 2006).

2. MAJOR.

Any land development or subdivision application not in compliance with Section 301.04.1, or any part thereof, or for any use other than single-family detached dwellings, shall be considered a major subdivision and/or land development plan.

3. REVIEW

- a. Major Plan applications shall be subject to all review procedures, including the pre-application meeting, Preliminary and Final Plan procedures and requirements, as specified in this Article.
- b. Minor Plan applications shall be subject to the same procedures and requirements for review as Major Plan applications, except that applicants for Minor Plans are not required to submit a separate Preliminary Plan or

adhere to the procedures and requirements in Section 304 of this Ordinance, and are not required to follow the four (4) step Conservation Subdivision Design Layout or adhere to the procedures and requirements in Section 402.01.6. Preliminary Plan elements and information set forth in Section 402 of this Ordinance shall be incorporated as part of the Final Plan application.

- c. When an application includes only a portion of the landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a sketch layout shall be included showing future potential subdivision and/or land development of all the contiguous lands belonging to the landowner to ensure that subdivision and/or land development may be accomplished in accordance with current codes and with appropriate access. Submission and review of the sketch plan described in this section shall not constitute approval of the future subdivision and/or land development shown thereon.

301.05      NOTICE TO OWNERS OF ADJOINING PROPERTY TO THE SUBJECT TRACT OF A MAJOR SUBDIVISION OR LAND DEVELOPMENT

Within fifteen (15) days of the date that the Township Planning Commission acknowledges receipt of a newly filed major subdivision or land development plan, the Applicant shall provide written notice of the pending major subdivision or land development plan (Preliminary and Final) by first class mail, postage prepaid, to the owner of every property adjoining of the lot being subdivided or developed. The Applicant shall provide proof of notification to the Township as part of the Preliminary and Final Plan application process set forth in Section 306 and 307 respectively. The cost of notification shall be the responsibility of the applicant.

**302      PRE-APPLICATION MEETING WITH DEVELOPMENT COMMITTEE**

302.01      PURPOSE

The purpose of the Pre-Application Meeting is to:

1. Introduce the applicant to the Township's zoning and subdivision and land development regulations and procedures;
2. Discuss the applicant's objectives;
3. Schedule site inspections, meetings and plan submissions;
4. Foster an informal plan review between the applicant and the Township;



5. Reduce subdivision and land development plan design and construction improvement costs for the applicant; and

6. Expedite the Township's review and approval process.

302.02 The Pre-Application Meeting shall be held with the applicant, the applicant's site designers and/or professional consultants, the Development Committee, Township Engineer and/or any other Professional Consultants hired by the Township.

302.03 The applicant shall submit the Existing Resources and Site Analysis Plan in accordance with Section 402.01.5 of this Ordinance, as necessary and any other descriptive materials prior to the Pre-Application Meeting, if the Optional Sketch Plan in accordance with Section 402 of this Ordinance is not submitted.

302.04 The Pre-Application Meeting shall be scheduled not less than fifteen (15) days prior to the regular meeting with the Development Committee to be placed on the agenda.

302.05 The applicant may be charged reasonable fees for the pre-application services for the Township Engineer and/or other Professional Consultants hired by the Township.

302.06 Due to the informal nature of the Pre-Application Meeting, the applicant and the Township shall not be bound by the discussion at and determination of the Pre-Application Meeting. Comments made by the Development Committee, Township Engineer and/or other Professional Consultants hired by the Township shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made at the Pre-Application Meeting.

### **303 EXISTING RESOURCES AND SITE ANALYSIS PLAN**

#### **303.01 PURPOSE**

The purpose of this key submission is to;

1. Familiarize Township officials with the existing conditions on the applicant's tract and within its immediate vicinity; and
2. Provide a complete and factual reference for Township officials in making a site inspection (and/or reviewing the Preliminary Plan and/or Final Plan, as applicable).

303.02      APPLICABILITY

Applicants shall submit eleven (11) copies of the Existing Resources and Site Analysis Plan, in its context, prepared in accordance with the requirements contained in Section 402 of this Ordinance, to the Township Zoning Officer, at the Township Building, at least fifteen (15) days prior to the Optional Site Inspection, and/or along with the subsequent Preliminary Plan and/or Final Plan (as applicable). The Existing Resources and Site Analysis Plan shall form the basis for the site design and development layout as shown on the Optional Sketch Plan (or on the Preliminary Plan and/or Final Plan, if the Optional Sketch Plan is not submitted).

**304      OPTIONAL SITE INSPECTION**

304.01      PURPOSE

The purpose of the visit is to:

1. Familiarize Township officials with the property's existing conditions and special features;
2. Identify open space and greenway lands to be preserved;
3. Identify potential site design and development layout issues; and
4. Provide an informal opportunity to discuss site design and development layout concepts.

304.02      APPLICABILITY

After preparing the Existing Resources and Site Analysis Plan, applicants are strongly encouraged to arrange an Optional Site Inspection of the property by the Development Committee, Township Engineer and/or Professional Consultants hired by the Township. Applicants, the applicant's site designers and/or professional consultants are encouraged to accompany the Development Committee, Township Engineer and/or Professional Consultants hired by the Township.

304.03      Due to the informal nature of the Optional Site Inspection, the applicant or the Township shall not be bound by the discussion at and determination of the Optional Site Inspection. Comments made by the Development Committee, Township Engineer and/or Professional Consultants hired by the Township shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the Optional Site Inspection.

## **305        OPTIONAL SKETCH PLAN APPLICATION**

### **305.01        PURPOSE**

The purpose of the Optional Sketch Plan is for the applicant, the applicant’s site designers and/or professional consultants, Development Committee, Township Planning Commission, Township Engineer and/or Professional Consultants hired by the Township to:

1. Review and discuss the findings of the Optional Site Inspection (if applicable);
2. Review and discuss the Existing Resources and Site Analysis Plan; and
3. Develop a mutual understanding on the general approach for subdividing and/or developing the tract in accordance with the four (4) step design procedure described in Section 402.01.6 and 614 of this Ordinance (if applicable), for the conceptual layout for greenway lands, parks, building sites and street alignments.

### **305.02        APPLICABILITY**

An Optional Sketch Plan, developed in accordance with Section 401 of this Ordinance, is strongly encouraged for all proposed major plan applications. Prior to the submission of the Optional Sketch Plan, the Mandatory Pre-Application Meeting, and Optional Site Inspection process will significantly improve the quality of the Optional Sketch Plan and its usefulness to the Township in their review of the plan. These pre-application discussions are particularly important for residential design options requiring the four (4) step design procedure described in Section 402.01.6 and 614.03 of this Ordinance. The chief value of the Optional Sketch Plan is that important design issues can be considered at the conceptual stage before funds for unnecessary drafting, design, engineering, and agency review are expended.

305.03        Such plans are for informal discussion only. Submission of an Optional Sketch Plan does not constitute formal filing of a plan with the Township, and shall not commence the statutory review period as required by the MPC.

305.04        Optional Sketch Plans shall be submitted to the Zoning Officer, at the Township Building, on any business day. However, Optional Sketch Plans must be submitted fifteen (15) days prior to the regular meeting of the Township Development Committee in order to be placed on the agenda.

305.05      APPLICATION REQUIREMENTS

All Optional Sketch Plan applications shall include a minimum of eleven (11) copies of the Optional Sketch Plan Data which is specified in Section 401 of this Ordinance, including the Existing Resources and Site Analysis Plan in Section 402.01.5 of this Ordinance.

305.06      DISTRIBUTION

The Zoning Officer shall distribute the Optional Sketch Plan to the Development Committee, Township Planning Commission, Township Engineer and/or other Professional Consultants hired by the Township, and if deemed necessary, other officials (e.g., Municipal Authority, Park and Recreation Board, fire department, police department, emergency service providers, school board, PennDOT, York County Conservation District, etc.)

305.07      REVIEW OF THE OPTIONAL SKETCH PLAN

The Optional Sketch Plan is reviewed first by the Development Committee and second by the Township Planning Commission. When deemed necessary, other officials may be requested to review the Sketch Plan.

305.08      Attendance at the Development Committee and Township Planning Commission meeting by the applicant, the applicant's site designers and/or professional consultants is optional, valuable and highly recommended, in order to provide answers to technical questions. The applicant will be advised of the scheduled Development Committee and Township Planning Commission meeting dates.

The Development Committee and Township Planning Commission shall review the Optional Sketch Plan in accordance with the criteria contained in this Ordinance and with other applicable plans and Ordinances of the Township. The review shall informally determine the extent to which the proposed subdivision and/or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modification that would increase its degree of conformance. The review shall include but not be limited to:

1. the location of all areas proposed for land disturbance, streets, foundations, yards, septic disposal systems, stormwater management areas, etc. with respect to notable features of natural or cultural significance as identified on the applicant's Existing Resources and Site Analysis Plan and in the Township's Comprehensive Plan.
2. the potential for street connections with existing streets, other proposed streets, or potential subdivisions and/or land developments with adjoining parcels.

3. the location of proposed access points along the existing road network.
4. the proposed building density and impervious coverage;
5. the compatibility of the proposal with respect to the objectives and policy recommendations of the Comprehensive Plan; and
6. consistency with the Township Zoning Ordinance.

305.09 Due to the informal nature of the Optional Sketch Plan, the applicant or the Township shall not be bound by the discussion at and determination of the Optional Sketch Plan. Comments made by the Development Committee, Township Engineer and/or other Professional Consultants hired by the Township, and Township Planning Commission shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, on the Optional Sketch Plan.

### **306 PRELIMINARY PLAN APPLICATION**

Except as provided in Section 301.04.1 of this Ordinance, Preliminary Plan applications are required for all major subdivisions and/or land developments.

Subdivisions meeting the provisions in Section 301.04.1 of this Ordinance may be submitted as Final Plans in accordance with Section 307 of this Ordinance.

306.01 Preliminary Plans shall be submitted to the Township Zoning Officer, at the Township Building, on any business day. However, Preliminary Plans must be submitted not less than fifteen (15) calendar days prior to the regular Development Committee meeting at which consideration is desired, in order to be placed on the agenda.

#### **306.02 APPLICATION REQUIREMENTS**

All Preliminary Plan applications shall include the following:

1. A minimum of eleven (11) copies of the Preliminary Plan and all maps, reports, notifications and certifications which are specified in Section 402 of this Ordinance, including three (3) copies of the Sewage Facilities Planning Module for Land Development. Additional copies of the Preliminary Plan and reports may be required by the Township.
2. If the applicant opts not to submit an Optional Sketch Plan, the Preliminary Plan shall include all information required for Optional Sketch Plans listed in Section 402 of this Ordinance, specifically including the Existing Resources

and Site Analysis Plan, plus further details and information as noted below and in Sections 401 and 402 of this Ordinance.

3. One (1) application form (Appendix No. 6)
4. Filing fee as set by resolution of the Board of Supervisors. (See Fee Schedule available at the Township Building.)

306.03 The Zoning Officer shall first determine that the Preliminary Plan application is complete in accordance with Section 306.02.1 – 4 of this Ordinance. This determination does not constitute approval or disapproval of the Plan but is provided to ensure the submission of sufficient data and information for the Board of Supervisors to make a formal action on the Plan. If the application is found to be incomplete, the Zoning Officer will notify the applicant in writing that the submitted application does not constitute a formal filing of the Preliminary Plan and specify the deficiencies.

No application shall be deemed filed unless all requirements have been met and all fees paid in full.

306.04 DISTRIBUTION

The Township Zoning Officer shall distribute the Preliminary Plan to the following entities:

1. Township Planning Commission (7 copies);
2. York County Planning Commission (1 copy and required review fee paid by the applicant);
3. Township Zoning Officer (1 copy);
4. Township Engineer (1 copy);
5. Township Parks and Recreation Board (1 copy); and
6. if deemed necessary, other officials (Municipal Authority, fire department, police department, emergency service providers, school board, PennDOT, York County Conservation District) and/or other Professional Consultants hired by the Township, for review and report.

306.05 REVIEW OF THE PRELIMINARY PLAN

The Preliminary Plan is reviewed first by the Development Committee and second by the Township Planning Commission. When deemed necessary, other officials may be requested to review the Preliminary Plan. Although attendance at

the Development Committee and Township Planning Commission meeting by the applicant is recommended, the applicant's site designers and/or professional consultants attendance is mandatory, in order to provide answers to technical questions and establish the acceptance of any possible recommended conditions of approval. If there exists uncertainty about the acceptance of conditions of approval, the Plan may be recommended for disapproval. The applicant will be advised of the scheduled Township Development Committee, Township Planning Commission and Board of Supervisors meeting dates, respectively.

The Township Planning Commission shall review the Preliminary Plan in accordance with the criteria contained in this Ordinance and with other applicable ordinances and plans of the Township. The review shall determine the extent to which the proposed subdivision and/or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modification that would increase its degree of conformance.

The Township Planning Commission shall review any recommendations made by the Development Committee, Township Engineer and/or other Professional Consultants hired by the Township, York County Planning Commission and any other local, state and federal agencies and entities. If the Plan contains deficiencies, and outstanding issues and comments remain, the Township Planning Commission may table action for a recommendation on the Plan until such deficiencies and outstanding issues and comments are sufficiently addressed to the satisfaction of the Township Planning Commission. Prior to officially taking action on the Plan and making a formal recommendation to the Board of Supervisors, the applicant shall resubmit eight (8) copies of the revised plan for review by the Township Engineer and Planning Commission. This process will continue until the applicant has addressed all concerns of the Township Planning Commission, or until action on the plan necessary due to time limitations imposed by the MPC and set forth in section 306.06 of this Ordinance.

#### 306.06 RULING ON THE PRELIMINARY PLAN

Once the Township Planning Commission has officially acted on the Plan by making a formal recommendation to the Board of Supervisors, the applicant will be advised of the next scheduled meeting date for consideration of the Preliminary Plan by the Board of Supervisors. The applicant shall submit five (5) copies of the Preliminary Plans to the Township Zoning Officer, at the Township Building, on any business day. However, Preliminary Plans must be submitted not less than ten (10) calendar days prior to the regular Board of Supervisors meeting at which consideration is desired, in order to be placed on the agenda. Although attendance at this meeting by the applicant is recommended, the applicant's site designers and/or professional consultants attendance is mandatory to establish the acceptance of possible conditions of approval. The acceptance or rejection of the conditions of approval will be entered into the minutes of the Board of

Supervisors. If there exists uncertainty about the acceptance of conditions of approval, the Plan may be disapproved.

The Board of Supervisors, upon recommendation of the Township Planning Commission, shall act on any such Preliminary Plan and communicate its decision to the applicant not later than ninety (90) days following the date of the regular meeting of the Township Planning Commission following the date the application is filed. Should the next regular meeting of the Township Planning Commission occur more than thirty (30) days following the filing of the application with the Township Zoning Officer, said ninety (90) day period shall be measured from the thirtieth (30<sup>th</sup>) day following the day the application has been filed with the Township Zoning Officer.

The Board of Supervisors shall determine whether plan shall be approved, approved with conditions acceptable to the applicant, or disapproved. The decision of the Board of 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 (15) days following the decision. If the plan is approved with conditions, the applicant shall respond to the Board of Supervisors, indicating acceptance or rejection of such conditions. Such response shall be in writing, signed by the applicant, and shall be received by the Township Zoning Officer within ten (10) calendar days the applicant receiving the Board of Supervisors' decision to approve the plan with conditions. Approval of the plan shall be rescinded automatically upon the applicant's failure to accept or reject such conditions in the manner and within the time frame noted above.

When the application is not approved in terms as filed, the decision shall specify the defects found in the application and shall, in each case, cite the applicable provisions of this Ordinance.

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

Approval of the Preliminary Plan constitutes approval of the proposed subdivision and/or land development with respect to the general design, the approximate dimensions and other planned features. Preliminary Plan approval binds the applicant to the general scheme of the plan as approved. Preliminary approval does not authorize the recording, sale or transfer of lots or issuance of any building permits.



Preliminary Plan approval shall expire within five (5) years after being granted unless an extension is requested by the applicant and approved by the Board of Supervisors. Requests for extensions shall be submitted to the Township at least thirty-one (31) days prior to any prevailing expiration date.

306.07 COMPLIANCE WITH CONDITIONS OF APPROVAL

If the Board of Supervisors conditions its Preliminary Plan approval upon receipt of additional information, alterations, changes or notifications, such data and information shall be submitted and/or alterations noted on six (6) copies to be submitted to the Zoning Officer. The conditions of approval must be satisfied to obtain Preliminary Plan approval. The Board of Supervisors will acknowledge the satisfactory compliance with all conditions, if any, of the Preliminary Plan approval at a public meeting.

Compliance with the conditions of Preliminary Plan approval must be obtained within six (6) months of the Board of Supervisors' action on the Plan (see Section 306.06) or the Board of Supervisors' action on the Plan shall be deemed a disapproval, unless the Board of Supervisors grant a waiver by extending the effective time period.

At the option of the applicant, and upon receipt of an unconditional Preliminary Plan approval, a Preliminary Plan may be presented to the Township for signature (See Appendix No. 3 and 4 for certificate.)

306.08 REQUESTS FOR MODIFICATIONS

In the event any modification of requirements from this Ordinance is requested by the applicant or is deemed necessary for approval in accordance with Sections 308 of this Ordinance, the modification request and subsequent recommendation of the Township Planning Commission and action by the Board of Supervisors shall be entered into the records of the respective regular public meetings.

306.09 Before acting on any subdivision or land development plan, the Board of Supervisors may hold a public hearing, pursuant to public notice.

**307 FINAL PLAN APPLICATION**

307.01 A Final Plan application is required for all subdivision and/or land development plans. When a Preliminary Plan is required in accordance with Section 306 of this Ordinance, an application for Final Plan approval can be submitted only after obtaining unconditional Preliminary Plan approval.

307.02 The Final Plan shall be substantially consistent with the Preliminary Plan. The Final Plan may include sections of an approved Preliminary Plan provided each section independently conforms to this Ordinance, regulations and other standards

of the Township, and shall contain a minimum of twenty-five (25%) percent of the total number of dwelling units as depicted on the Preliminary Plan.

307.03 Final Plans shall be submitted to the Township Zoning Officer, at the Township Building, on any business day. However, Final Plans must be submitted not less than fifteen (15) calendar days prior to the regular Development Committee meeting at which consideration is desired, in order to be placed on the agenda.

307.04 APPLICATION REQUIREMENTS

All Final Plan applications shall include the following:

1. A minimum of eleven (11) copies of the Final Plan and all maps, reports, notifications and certifications which are specified in Section 403 of this Ordinance. Additional copies of the Final Plan and reports may be required by the Township.
2. If the applicant opts not to submit an Optional Sketch Plan and a waiver request is submitted and approved in accordance with Section 308 of this Ordinance for a Preliminary Plan, the Final Plan shall include all information required for Optional Sketch Plans and Preliminary Plans listed in Section 401 of this Ordinance, specifically including the Existing Resources and Site Analysis Plan in Section 402.01.5 of this Ordinance, plus further details as noted below and in Section 401, 402, and 403 of this Ordinance.
3. One (1) application form. (Appendix No. 6)
4. Filing fee as set by resolution of the Board of Supervisors. (See Fee Schedule available at the Township Building.)

307.05 The Zoning Officer shall first determine that the Final Plan application is complete in accordance with Section 307.04.1 – 4 of this Ordinance. This determination does not constitute approval or disapproval of the Plan but is provided to ensure the submission of sufficient data for the Board of Supervisors to make a formal action on the Plan. If the application is found to be incomplete, the Zoning Officer will notify the applicant in writing that the submitted application does not constitute a formal filing of the Final Plan and specific the deficiencies.

No application shall be deemed filed unless all requirements have been met and all fees paid in full.

307.06 DISTRIBUTION

The Township Zoning Officer shall distribute the Final Plan to the following entities:

1. Township Planning Commission (7 copies);
2. York County Planning Commission (1 copy and required review fee paid by the applicant);
3. Township Zoning Officer (1 copy);
4. Township Engineer (1 copy);
5. Township Parks and Recreation Board (1 copy); and
6. if deemed necessary, other Township officials (Municipal Authority, fire department, police department, emergency service providers, school board, PennDOT, York County Conservation District) or Professional Consultants hired by the Township, for review and report.

307.07

#### REVIEW OF THE FINAL PLAN

The Final Plan is reviewed first by the Development Committee and second by the Township Planning Commission. When deemed necessary, other officials may be requested to review the Final Plan. Although attendance at the Development Committee and Township Planning Commission meeting by the applicant is recommended, the applicant's site designers, and/or professional consultants attendance is mandatory, in order to provide answers to technical questions and establish the acceptance of any possible recommended conditions of approval. If there exists uncertainty about the acceptance of conditions of approval, the Plan may be recommended for disapproval. The applicant will be advised of the scheduled Township Development Committee, Planning Commission and Board of Supervisors meeting dates, respectively.

The Township Planning Commission shall review the Final Plan in accordance with the criteria contained in this Ordinance and with other applicable ordinances and plans of the Township. The review shall determine the extent to which the proposed subdivision and/or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modification that would increase its degree of conformance.

The Township Planning Commission shall review any recommendations made by the Development Committee, Township Engineer and/or other Professional Consultants hired by the Township, York County Planning Commission and any other local, state and federal agencies and entities. If the Plan contains deficiencies, and outstanding issues and comments remain, the Township Planning Commission may table action for a recommendation on the Plan until such deficiencies and outstanding issues and comments are sufficiently addressed to the satisfaction of the Township Planning Commission. Prior to officially

taking action on the Plan and making a formal recommendation to the Board of Supervisors, the applicant shall resubmit eight (8) copies of the revised plan for review by the Township Engineer and Planning Commission. This process will continue until the applicant has addressed all concerns of the Township Planning Commission, or until action on the plan necessary due to time limitations imposed by the MPC and set forth in section 307.07 of this Ordinance.

307.08

RULING ON THE FINAL PLAN

Once the Township Planning Commission has officially acted on the Plan by making a formal recommendation to the Board of Supervisors, the applicant will be advised of the next scheduled meeting date for consideration of the Final Plan by the Board of Supervisors. The applicant shall submit five (5) copies of the Final Plans to the Township Zoning Officer, at the Township Building, on any business day. However, Final Plans must be submitted not less than ten (10) calendar days prior to the regular Board of Supervisors meeting at which consideration is desired, in order to be placed on the agenda. Attendance at this meeting by the applicant, the applicant's site designers and/or professional consultants is mandatory to establish the acceptance of possible conditions of approval. The acceptance or rejection of the conditions of approval will be entered into the minutes of the Board of Supervisors. If there exists uncertainty about the acceptance of conditions of approval, the Plan may be disapproved.

The Board of Supervisors, upon recommendation of the Township Planning Commission, shall act on any such Final Plan and communicate its decision to the applicant not later than ninety (90) days following the date of the regular meeting of the Township Planning Commission following the date the application is filed. Should the next regular meeting of the Township Planning Commission occur more than thirty (30) days following the filing of the application with the Township Zoning Officer, said ninety (90) day period shall be measured from the thirtieth (30<sup>th</sup>) day following the day the application has been filed with the Township Zoning Officer.

The Board of Supervisors shall determine whether the plan shall be approved, approved with conditions acceptable to the applicant, or disapproved. The decision of the Board of Supervisors shall be in writing and shall be communicated to the application personally or mailed to him at his last known address not later than fifteen (15) days following the decision. If the plan is approved with conditions, the applicant shall respond to the Board of Supervisors indicating acceptance or rejection of such conditions. Such response shall be in writing, signed by the applicant, and shall be received by the Township Zoning Officer within ten (10) calendar days the applicant receiving the Board of Supervisors' decision to approve the plan with conditions. Approval of the plan shall be rescinded automatically upon the applicant's failure to accept or reject such conditions in the manner and within the time frame noted above.

When the application is not approved in terms as filed, the decision shall specify the defects found in the application and shall, in each case, cite the applicable provisions of this Ordinance.

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

Final Plan approval shall expire within five (5) years after being granted, or five (5) years from the date the Preliminary Plan was approved (if applicable), unless an extension is requested by the applicant and approved by the Board of Supervisors. Requests for extensions shall be submitted to the Township at least thirty-one (31) days prior to any prevailing expiration date.

#### 307.09 COMPLIANCE WITH CONDITIONS OF APPROVAL

If the Board of Supervisors conditions its Final Plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or alterations noted on five (5) copies to be submitted to the Zoning Officer. The conditions of approval must be satisfied to obtain Final Plan approval.

Compliance with the conditions of Final Plan approval must be obtained within six (6) months of the Board of Supervisors' action on the Plan (see Section 307.08) or the Board of Supervisors' action on the Plan shall be considered a disapproval unless the Board of Supervisors grants a waiver by extending the effective time period.

At the option of the applicant, and upon receipt of an unconditional Final Plan approval, a Final Plan may be presented to the Township for signature (See Appendix No. 3 and 4 for certificate.)

#### 307.10 FINAL PLAN CERTIFICATION

After approval and/or conditional approval of the Final Plan and the required changes, if any are made, the applicant shall present to the Township one (1) transparent reproduction and four (4) paper copies of the Final Plan. All Final Plans shall bear original signatures in black ink on each certificate. Upon payment of any outstanding plan review fee or inspection fee, the Final Plans shall be signed by the Township Planning Commission, Township Engineer and Board of Supervisors (see Appendix No. 3 and 5.) The Township shall return three (3) copies of the plans to the applicant for submission to the York County Planning

Commission for signatures and record the Plan in the Office of the York County Recorder of Deeds, two (2) paper copies shall be returned to the Township, and one copy may be retained by the applicant.

The Final Plan shall be filed by the applicant with the York County Recorder of Deeds and recorded within ninety (90) days of such Final Plan approval. The Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval and original endorsement of the Board of Supervisors and review by the York County Planning Commission. Additionally, the above-referenced paper copies of the Plan must be submitted to the Township prior to the sale of lots, construction, or issuance of any building permits.

Recording the Final Plan shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use shown thereon unless reserved by the applicant as hereinafter provided. The approval of the Board of Supervisors shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated street, or public use, until the Board of Supervisors shall have accepted the same by the prevailing procedures of the Township.

If the Final Plan includes a notation to the effect that there is not offer of dedication to the public of certain designated uses, areas or streets, the title to such areas shall remain with the owner, their heirs, and assigns, and the Township shall assume no responsibility for improvements or maintenance thereof, which fact shall also be noted on the Final Plan.

No changes, erasures, modifications or revisions shall be made on any Final Plan of a subdivision or land development after approval has been given by the Board of Supervisors, and endorsed in writing on the Plan, unless the Plan is first resubmitted to the Board of Supervisors and the York County Planning Commission.

307.11 REQUESTS FOR MODIFICATIONS

In the event any modification of requirements from this Ordinance is requested by the applicant or is deemed necessary for approval in accordance with Sections 308 of this Ordinance, the modification request and subsequent recommendation of the Township Planning Commission and action by the Board of Supervisors shall be entered into the records of the respective regular public meetings.

307.12 Before acting on any subdivision and/or land development plan, the Board of Supervisors may hold a public hearing, pursuant to public notice.

**308 WAIVER REQUEST**

The Board of Supervisors may waive any mandatory provision or requirements of these regulations in this Ordinance to the benefit of the applicant provided the majority of the members of the Board of Supervisors present at a scheduled meeting determines that the waiver:

1. is consistent with the purpose and intent of this Ordinance and/or the Township Comprehensive Plan as described in Section 102;
2. will remove or reduce any unreasonable or undue hardship, as it applies to peculiar conditions pertaining to the particular property;
3. will not be contrary to the public interest;

It shall be the burden of the applicant to demonstrate compliance with the above conditions.

**308.01 WAIVER APPLICATION**

Notwithstanding the ability of the Board of Supervisors to independently consider a waiver, all requests for waivers shall include the application form (See Appendix No. 7) to be submitted along with a Preliminary Plan or Final Plan, to the Zoning Officer, at the Township Building, on any business day.

**308.02 DISTRIBUTION**

The Zoning Officer shall distribute one (1) copy of the waiver to the Development Committee, Township Planning Commission, Board of Supervisors, if necessary, other officials.

**308.03 REVIEW OF WAIVER**

The waiver is reviewed by the Development Committee and Township Planning Commission. Recommendations are forwarded to the Board of Supervisors.

Recommendation on the waiver shall be entered into the minutes of the Township Planning Commission.

**308.04 RULING ON THE WAIVER**

The Board of Supervisors shall have the authority to approve or disapprove the waiver. In granting any waiver, the Board of Supervisors may impose such conditions as will, in its judgment secure substantially the objectives of the standards, and requirements of this Ordinance and/or the Township Comprehensive Plan.

Action on the waiver shall be entered into the minutes of the Board of Supervisors and forwarded to the applicant. Failure of the Board of Supervisors to render a decision and communicate it to the applicant as described herein shall be deemed a disapproval of the waiver.

**309 PLANS EXEMPTED FROM STANDARD PROCEDURES**

**309.01 PROCEDURE FOR PROCESSING REVISED FINAL SUBDIVISION AND/OR LAND DEVELOPMENT PLANS**

Previously approved Final Subdivision and/or Land Development Plans may be changed in accordance with this procedure to correct an obvious error. The revised Plan shall not alter the number, location or configuration of lots, buildings or other design aspects and layout of the plan beyond the original design and layout concept provided in the previously approved Final Subdivision and/or Land Development Plan.

309.02 All revised subdivision and/or land development plan applications which meet the above, shall be submitted to the Zoning Officer at the Township Building on any business day and to the York County Planning Commission (at the applicant’s expense). Each application shall include three (3) paper copies of the revised Final Plan and one (1) application form (see Appendix No. 6). The Board of Supervisors shall have the authority to approve or disapprove the revised plan. The applicant will be advised of the scheduled meeting for consideration of the revised plan.

309.03 If the Board of Supervisors determines that the revised plan conforms to the above standards, the applicant shall prepare Final Plans for recordation in accordance with Section 307.09.



## ARTICLE IV

### PLAN CONTENT AND SUPPLEMENTARY DATA

#### **401 OPTIONAL SKETCH PLAN AND OVERLAY SHEET (OPTIONAL)**

To provide a full understanding of the site's potential and to facilitate the most effective exchange with the Development Committee and Township Planning Commission, the Option Sketch Plan shall include the information and data listed below.

The Optional Sketch Plan may be prepared as a simple overlay sheet placed on top of the Existing Resources and Site Analysis Plan.

1. The designation, Sketch Plan, drawn at a scale of not greater than 1" = 200', (dimensions on the plan need to be exact).
2. Name and address of the legal owner, the equitable owner and/or the applicant.
3. Name and address of the individual and/or firm responsible for preparing the plan.
4. An approximate key map showing the generalized location of the subject tract in the Township and adjacent streets.
5. North arrow.
6. Zoning district data, including but not limited to the zoning district, proposed use(s), area and bulk requirements, off-street parking and loading requirements of the prevailing Township Zoning Ordinance.
7. Existing and proposed land uses.
8. Streets on and adjacent to the tract (both existing and proposed).
9. Topographic, physical and cultural features including wooded areas, trees with a diameter of fifteen (15) inches or more, hedgerows and other significant vegetation, steep slopes (over 15%), rock outcrops, soils types, ponds, ditches, drains, dumps, storage tanks, streams on and within 200' of the tract, existing rights-of-way and easements, and cultural features such as all structures, foundations, walls, wells, drainfields or septic systems, trails and abandoned roads. An enlarged USGS topographic map is acceptable to show topography.
10. Schematic layout indicating a general concept for land conservation and site development of the subject tract.

11. Proposed location of buildings and major structures, parking areas and other public and private improvements.
12. General description of the proposed water supply, sewage disposal and stormwater management.

## **402 PRELIMINARY PLANS**

### **402.01 SUBMISSION REQUIREMENTS**

The submission requirements for a Preliminary Plan shall consist of the following elements, and shall be prepared in accordance with the drafting standards and plan requirements herein:

- a. Site Context Map
- b. Existing Resources and Site Analysis Plan
- c. Four (4) Step Process for Conservation Subdivision Design Layout for developments proposed in zoning districts listed in Section 402.01.6 of this Ordinance
- d. Preliminary Resources Impact and Conservation Plan
- e. Preliminary Improvements Plan
- f. Preliminary Studies and Reports as set forth in other parts of this Ordinance

#### **1. DRAFTING STANDARDS**

Except where the scale requirements for specific maps and plans set forth elsewhere in this article, all plans shall be clearly and legibly drawn at a scale of 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50', 1" = 60', or 1" = 100', and shown on each sheet in both a graphic scale and a written scale. All profile plans shall maintain a ratio of either 1:5 or 1:10 vertical to horizontal.

Dimensions for the entire subject tract boundary shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction. The description shall be based upon a survey and not have an error of closure greater than one (1) foot in ten thousand (10,000) feet, which shall be indicated on the Plan.

If a landowner is to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed plotting and may be drawn at any legible scale; if the retained lot has a lot area of ten (10) or fewer

acres, its existing perimeter must be described to the accuracy requirements above.

The sheet size shall be no smaller than eighteen by twenty-two inches (18" x 22") and no larger than twenty-four by thirty-six inches (24" x 36").

If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5).

Each sheet shall be provided with an adequate legend clearly indicating which features are existing and which are proposed.

The file or project number assigned by the firm that prepared the plan, date, including month, day and year that the original drawing was completed and the month, day and year for each revision, if any.

Plans shall be legible in every detail.

## 2. COVER SHEET INFORMATION

- a. The designation, Preliminary Plan
- b. The proposed project name or identifying title.
- c. The name of the municipality in which the project is to be located. If the subject tract is located in the vicinity of a municipal boundary line, the location of the boundary line shall be shown and each municipality labeled respectively.
- d. A location map, for the purpose of locating the property being subdivided or developed, showing the relationship of adjoining property to all streets, roads and municipal boundaries and drawn to scale of not less than 1" = 2000'.
- e. North arrow (with north oriented to the top of the plan sheet).
- f. The name and address of the owner, the applicant or the authorized agent of the subject tract, the developer and the firm that prepared the plans.
- g. Source of title to the land included within the subject application, as shown in the office of the York County Recorder of Deeds. If the equitable owner, then the name, address and reference to the equity agreement.

- h. The map, lot number and parcel ID number assigned to the property by the York County Assessment Office.
- i. The total acreage of the original existing tract.
- j. Zoning district data, including but not limited to the zoning district, proposed use(s), area and bulk requirements, off-street parking and loading requirements of the prevailing Township Zoning Ordinance,.
- k. Listing of any existing or proposed (if applicable) waivers, variances, special exceptions and conditional uses including the date approved, and any conditions associated with such approval(s). Additionally, non-conformities, including structures, uses and lot sizes shall be indicated.

### 3. CERTIFICATIONS AND NOTIFICATIONS

- a. When there is an electric or telephone transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the subject tract, the application shall be accompanied by a copy of the right-of-way agreement or a letter from the owner or lessee of such right-of-way stating any condition on the use of the land and the minimum building setback and/or right-of-way lines. The requirement may also be satisfied by submitting a copy of the recorded agreement.
- b. A statement by the individual responsible for the data to the effect that the survey, plan and/or other general data are correct (See Appendix 1), and include the registration number, seal of and dated signature(s) of the registered professional Engineer, Landscape Architect or Land Surveyor responsible for preparation of the survey and plan.
- c. A statement that a “A Highway Occupancy Permit (HOP) is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the ‘State Highway Law,’ is required before driveway access, street, alley or access drive intersection to a State Highway is permitted.” All HOP applications, excluding those for residential driveways, require a “Review of Awareness” by the YCPC Transportation Department prior to its submittal to the Pennsylvania Department of Transportation (PennDOT). Verification is required prior to final plan approval that the HOP has been approved by PennDOT; and, the Permit number is required to be placed on the plan.
- d. Occupancy permits will not be issued unless the streets shown on the approved Final Plan have been constructed to a paved, mud-free or otherwise permanently passable condition, unless otherwise approved by the Township Zoning Officer and any walkways, curbs or gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewer, storm sewer

and other improvements as deemed necessary by the Board of Supervisors for reasonable human habitation, have been installed in accordance with this Ordinance.

- e. Underground pipes structures, subgrades or base courses will not be covered until inspected and approved by the duly authorized official of the Township. Failure to comply with the regulations shall provide cause for uncovering such work, at the applicant's expense, to permit the required inspection.
- f. Notice shall be given to the Township in accordance with the Newberry Township Improvements Specifications Manual in advance of commencement of any public improvement construction, to provide for required inspection.
- g. Whenever any work or materials are found not to be in compliance with the Final Plan and for applicable Township requirements, a duly authorized Township official may stop work on the job until such noncompliance is made to comply. It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to person or property. Such stop order may be revoked by the Board of Supervisors.
- h. After Final Plan approval and upon the completion of all required improvements, the applicant shall submit an As-Built Plan prepared by a Professional Engineer or Surveyor.
- i. A statement to the effect that the applicant(s) is(are) the owners(s), equitable owner(s) of the land to be developed and certifying concurrence in the plan. The applicant(s) notarized signature(s) must be affixed to the statement prior to the Board's consideration of the plan.
- j. An application (See Appendix No. 6).
- k. (Optional) A statement acknowledging Township action (See Appendixes Nos. 3 and 4).
- l. An executed Memorandum of Understanding which sets forth the responsibilities of all parties regarding the installation and inspection of the required improvements (See Appendix No. 8).
- m. A copy of any deed restrictions imposed on the property as a condition of sale by the present owner or other entity.
- n. Supporting documentation as required by Section 402.

o. Filing Fee

The Preliminary Plan shall be accompanied by a check or money order drawn to Newberry Township in an amount specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Building.

4. SITE CONTEXT MAP

A map showing the location of the proposed subdivision and/or land development within its neighborhood context shall be submitted.

For sites under one hundred (100) acres in area, such maps shall be drawn at 1" = 200', and shall show the relationship of the subject property to natural and man-made features existing within 1,000 feet of the site. For sites of one hundred (100) acres or more, the scale shall be 1" = 400', and shall show the above relationships within 2,000 feet of the site. The features that shall be shown on the Site Context Maps include:

- a. topography (from USGS Maps);
- b. stream channels and/or valleys;
- c. wetland complexes and hydric soils (from maps published by the U.S. Fish & Wildlife Service or United States Department of Agriculture, Natural Resources Conservation Service [USDA/NRCS]);
- d. woodlands over one-half (1/2) acres in area (from aerial photographs);
- e. ridge lines;
- f. public roads and trails;
- g. utility easements and rights-of-way;
- h. public land; and
- i. land protected under conservation easements.

5. EXISTING RESOURCES AND SITE ANALYSIS PLAN

For all subdivisions and/or land developments not considered Minor Plans as provided in Section 301.04.1 of this Ordinance, an Existing Resources and Site Analysis Plan shall be prepared to provide the applicant and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site.

Conditions beyond the subject tract boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.

Such plans shall be prepared at a scale of 1" = 100' or 1" = 200', whichever would best fit a single standard size sheet (24" x 36"). The following information shall be included on the Plan:

- a. An aerial photograph, taken in the last five (5) years, enlarged to a scale not less than 1" = 400', with the site boundaries clearly marked.
- b. Existing contour lines at vertical intervals of two (2) feet or less. These contours must be developed by field surveys or photogrammetry. If the applicant does not seek approval for site improvements, then USGS Mapping will suffice to show existing contours, unless otherwise requested by the Township Planning Commission.

- 1) Slopes shall be classified and delineated on the inventory map(s). For purposes of this provision, two (2) classification of slopes must be delineated and highlighted on the inventory map(s) and includes:

15.00 – 24.99% = Steep slopes;

$\pm$  25.00% = Very Steep slopes.

- 2) Contours for major subdivisions and/or land developments shall be prepared by a registered professional land surveyor or engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with Newberry Township Sewer datum benchmarks or official USGS benchmarks.
- 3) The location and delineation of water features including ponds, stream channels and/or valleys, ditches, drains and natural drainage swales, as well as 100-year floodplains and wetlands as defined in the Township Zoning Ordinance.
  - a) All streams and/or drainage courses located on or within two hundred (200) feet of the subject tract must be shown, including the off-site drainage areas for all streams entering the subject tract.
  - b) Floodplains must be shown on the inventory map(s). Sources of floodplain information may include but not be limited to Federal Emergency Management Agency (FEMA) Newberry

Township's most recent version Flood Insurance Rate Maps, Flood Boundary Maps and FEMA Floodway Maps.

- c) Additional areas of wetlands on the subject tract shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
- 4) Vegetative cover on the subject tract including hedgerows, woodlands and wetlands, individual location of trees with calipers in excess of fifteen (15) inches, and the actual canopy line of existing trees and woodlands shall be delineated and described.
- 5) Soil information and locations delineated for:
  - a) Class I, II and III soils as mapped by the USDA/NRCS in the most recent published version of the Soil Survey for York County, PA, and the accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
  - b) In addition, severely limiting soils must be highlighted on the plan drawing. Soils with severe limitations for development are those which have one (1) or more of the following characteristics as identified in the most recent published version of the USDA/NRCS Soil Survey for York County, PA; seasonal high water table, poor drainage, wetland/hydric soil conditions, high shrink/swell potential, shallow depth to bedrock, excessive slopes, and high susceptibility to erosion.
  - c) Erodible soils on slopes over fifteen (15%) percent.
- 6) Ridgelines and watershed boundaries shall be identified.
- 7) York County Natural Diversity Inventory Sites or Natural Areas Inventory locations.
- 8) Location and extent of geologic formations on the subject tract, including rock outcrops, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
- 9) Locations of all existing man-made features including but not limited to streets, driveways, farm roads, woods or logging roads, buildings, foundations, walls, wells, septic systems, drainage fields, dumps, utilities, fire hydrants and storm and sanitary sewers.



- 10) Locations of all historically and culturally significant sites or structures on the tract, including but not limited to cellarholes, stone walls, earthworks and graves.
- 11) Locations of trails, pathways or other non-motorized corridors that have been in public use (pedestrian, equestrian, bicycle, etc.)
- 12) All easements and other encumbrances of property, which are or have been filed of record with the York County Recorder of Deeds of, shall be shown on the plan.
- 13) Total acreage of the subject tract, the Adjusted Tract Area and the constrained land area with detailed supporting calculations (see Section 404 of the Township Zoning Ordinance).

6. FOUR (4) STEP PROCESS FOR CONSERVATION SUBDIVISION DESIGN LAYOUT

The four (4) step process for Conservation Subdivision Design Layout shall be required for subdivisions or land developments proposed for properties located in the following zoning districts provided in the Newberry Township Zoning Ordinance:

- Residential Holding (RH);
- Suburban Residential (SR);
- Residential Growth (RG);
- Agriculture (A);
- Rural Resource (RR); and
- Rural Residential (R);

All Preliminary Plan applications, not considered Minor Plans as provided in Section 301.04.1 of this Ordinance, shall include documentation of a four (4) step design process provided in Section 614.03 of this Ordinance, in determining the layout of proposed greenways and open space lands, house sites, streets and lot lines as indicated below:

- a. Step 1: Delineation of Greenways and Open Space Lands in accordance with Section 614.03.2.a of this Ordinance.

- b. Step 2: Location of House Sites in accordance with Section 614.03.2.b of this Ordinance.
- c. Step 3: Location of Infrastructure in accordance with Section 614.03.2.c of this Ordinance.
- d. Step 4: Drawing of Lot Lines in accordance with Section 614.03.2.d of this Ordinance.

7. PRELIMINARY RESOURCE IMPACT AND CONSERVATION PLAN

- a. A Preliminary Resource Impact and Conservation Plan shall be prepared for all Preliminary Plan applications not considered Minor Plans as provided in Section 301.04.1 of this Ordinance to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resources and Site Analysis as required in Section 402.01.5 of this Ordinance. All proposed improvements, including but not necessarily limited to grading, fill, streets, buildings, utilities and stormwater detention facilities, as proposed in the Preliminary Plan documents, shall be taken into account in preparing the Preliminary Resource Impact and Conservation Plan, which shall clearly demonstrate that the applicant has minimized site disturbance to the greatest extent possible.
- b. Using the Existing Resources and Site Analysis Plan as a base map, impact areas shall be mapped according to the following categories:
  - 1) Primary Impact Areas (i.e. areas directly impacted by the proposed subdivision or land development);
  - 2) Secondary Impact Areas (i.e. areas in proximity to primary areas which may be impacted); and
  - 3) Designated Protected Areas, either to be included in a proposed open space and greenway or an equivalent designation such as dedication of a neighborhood park site.
- c. The applicant shall submit an accompanying Resource Assessment report divided into the following sections:
  - 1) Description of existing resources as documented in Section 402.01.5 of this Ordinance;
  - 2) Impact of the proposed subdivision and/or land development on existing resources, correlated to the areas depicted in the Preliminary Resource Impact and Conservation Plan; and

- 3) Measures taken to minimize and control such impacts both during and following the period of site disturbance and construction.
- d. This requirement for a Preliminary Resource Impact and Conservation Plan may be waived if the applicant can demonstrate that the proposed development areas on the subject tract, as laid out in the Optional Sketch Plan or in the Preliminary Plan, contain no constrained land.

8. PRELIMINARY IMPROVEMENTS PLAN

As part of the Site Index Map, Existing Resources and Site Analysis Plan or Preliminary Resource and Conservation Plan, where not provided, the Preliminary Improvements Plan shall include the following items:

- a. Historic and cultural resources, trails, significant natural features including topography, areas of steep slope (15% or more), wetlands, 100-year floodplains, swales, rock outcrops, vegetation, existing utilities, and other site features and existing resources as documented in Section 402.01.5.
- b. Names of all abutting property owners and/or names of subdivision or land development plans, and the respective deed and plan recording reference(s).
- c. The location and description of existing and proposed lot line markers and permanent monuments including those along the perimeter of the entire original existing tract. Additionally, the material and the time at which the proposed monuments and markers will be set must also be indicated.
- d. Boundaries of the property being subdivided and/or developed showing bearings and distances, the total acres of the subject tract, the total number of lots proposed, and the municipal boundaries (if applicable).
- e. Purpose for which sites other than buildable lots, are dedicated or reserved.
- f. Zoning district data including but not limited to the zoning district, proposed use(s), area and bulk requirements, off-street parking and loading requirements of the prevailing Zoning Ordinance (including those requirements of any other applicable municipalities' zoning ordinance if the lot, parcel or tract extends into an adjacent municipality), including any changes in the existing zoning to be requested by the applicant. Additionally, the zoning district designation for adjacent lots or parcels shall be indicated as applicable if different than the zoning district of the subject site.

- g. Proposed use(s) data indicating the total number of lots, units of occupancy, minimum lot coverage, building coverage, types of sanitary sewage disposal, type of water supply, name of authority or provider of sanitary sewage disposal and water supply (if applicable), proposed land use(s). The location of each land use if several types of uses are proposed. Also the criteria needed to calculate off-street parking, lot coverage and other requirements of the prevailing Township Zoning Ordinance must be indicated.
- h. Existing contour lines at a minimum vertical interval of two (2) feet for land with average natural slope of four (4%) percent or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours shall be accompanied by the location of the benchmark within or immediately adjacent to the subject tract and a notation indicating the datum used. Contours plotted from the USGS may only be used for minor subdivisions which require no new streets or other public improvements. Contour data is not required beyond two hundred (200) feet of the proposed lots within remaining land which exceeds ten (10) acres. The USGS shall be used for benchmark datum.
- i. The location and elevation of the datum to which the contour elevations refer shall be noted on the plan.
- j. Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, greenways, trails, bike paths ,or other public, semi-public or community purpose.
- k. Existing and approximate proposed locations of building locations and respective parking areas, including and noting those buildings and structures to be demolished.
- l. Where the Preliminary Plan covers only a part of the applicant's entire holdings, a key map at a scale of not smaller than 1" = 400' showing the entire tract, its topography at contour intervals of at least twenty (20) feet, its manmade and natural features, and the proposed street layout for the entire tract; abutting streets and names of abutting property owners; and the portion of the tract included in the Preliminary Plan submission.
- m. Existing and approximate proposed lot lines, lot areas, any existing and proposed easements and rights-of-way. All lots shall be numbered consecutively.
- n. Building setback lines, with distances from the property and street right-of-way. A typical example may be used to identify side and rear yard setback, however, odd or unusually shaped lots shall be plotted with all setback lines.

- o. Existing and Proposed Streets
  - 1) Location, alignment, width and tentative names of all proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas.
  - 2) The typical street cross section drawings, plans and profiles of approximate grades, and widths of right-of-way, cartway shall be shown for proposed streets and alleys including details relating to thickness, crowning and construction materials.
  - 3) All existing streets on or adjacent to the tract, including name, existing and dedicated right-of-way width and cartway width.
- p. Location of proposed swales, drainage easements, stormwater and other management facilities as required by this Ordinance and the Newberry Township Stormwater Management Ordinance.
- q. Where public or community sewage service is proposed, the conceptual layout of proposed sewage systems, including plans and profiles, also including but not limited to the designated location of sewer mains, manholes (including numbers) and sewage treatment plants, showing the type and degree of treatment intended and the size and capacity of treatment facilities.
- r. Where public or central water service is to be permitted, the conceptual layout of proposed water distribution facilities, including plans and profiles, also including water mains, fire hydrants, storage tanks, and where appropriate, wells or other water sources.
- s. When individual on-site sewage disposal systems are proposed, the location of all soil percolation test sites and probe holes (including failed probe holes) that were examined and approved replacement sites for each lot. All approved sites shall be clearly distinguished from unapproved sites.
- t. When individual on-site wells are proposed, the location of such wells including 100 foot zone of isolation radius.
- u. Limit of disturbance line (must be exact in relation to the retention of existing trees proposed to be saved).

v. If land to be subdivided and/or developed lies partly in or abuts another municipality(ies), the applicant shall submit information concerning the location and conceptual design of streets, layout and size of lots and provisions of public improvements on land subject to the applicant's control within the adjoining municipality(ies). Evidence of such approvals of this information by appropriate officials of the adjoining municipality(ies) also shall be submitted.

w. Utilities and Easements

- 1) Exact locations of existing utility easements and approximate location of proposed utility easements.
- 2) Approximate layout of all proposed sanitary and storm sewers and location of all inlets and culverts, and any proposed connections with existing facilities. These data may be on a separate plan.
- 3) The designated location of proposed on-site sewage and water facilities.
- 4) Where the location of on-site septic disposal is proposed in the common open space area, each lot's disposal area shall be graphically indicated and the exact location of percolation and probe locations shown. Test results of the same shall also be provided.
- 5) Approximate location of proposed street trees, plus locations of existing vegetation to be retained.

x. If construction is to occur in phases, a plan showing the progression of phases, how each phase relates to completed and future phases, and time line indicating when each phase is to be commenced and completed.

9. PRELIMINARY STUDIES AND REPORTS

a. Wastewater Report

- 1) A Planning Module for New Land Development shall be submitted where public or private sewage disposal is contemplated. The applicant must receive and address comments of the York County Planning Commission on the module before submitting it the Township, per DEP procedure requirements. Before the approved Final Plan is signed by the Township for recording purposes, the DEP(s) notification of compliance with the Sewage Facilities Act must be received by the Township.

- 2) In the event that the Plans propose extension of service into the project by any authority or jurisdiction other than the Township, a letter of approval from the applicable authority or jurisdiction regarding the extension shall be submitted.

b. Soil Erosion and Sedimentation Control Plan

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

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

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

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

c. Traffic Impact Study

A Traffic Impact Study for all residential land uses which exceeds twenty-five (25) lots or units of occupancy in whole or cumulatively, nonresidential uses that require more than twenty-five (25) parking spaces, or upon a determination of need by the Board of Supervisors.

- 1) A Traffic Impact Report shall include, at a minimum, the following information:
  - a) study purpose and objectives;
  - b) description of the site and study area;
  - c) existing conditions in the area of the development;
  - d) recorded or approved nearby development;
  - e) trip generation, trip distribution, and modal split;
  - f) projected future traffic volumes;
  - g) an assessment of the change in roadway operating conditions resulting from the development traffic; and,
  - h) recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
- 2) The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations. The recommendations shall specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required. Data shall be presented in tables, graphs, maps and diagrams wherever possible for clarity and ease of review. An executive summary of one or two (2) pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.
- 3) The Traffic Impact Report shall conform to the following process of analysis:



a) Preparer

The report shall be prepared by a currently certified Professional Engineer (PE) or Professional Traffic Operations Engineer (PTOE) with at least two (2) years of professional experience related to preparing Traffic Impact Reports.

b) Study Area

The study area shall be based on the characteristics of the surrounding area. The intersections to be included in the report shall be adjacent to the site or have direct impact upon the access to the site. The intersections shall be mutually agreed upon by the Township and the traffic engineer and/or planner preparing the study.

c) Definition of Influence Area

Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty (80%) percent or more of the trip ends that will be attracted to the development. A market study can be used to establish the limits of an influence area. If a market study is not available, an influence area shall be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments. The influence area shall be presented to the Township for approval by the Township Engineer.

d) Horizon Year

The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build-out and occupancy. This year is referred to as the horizon year.

e) Trip Generation Rates

The Traffic Impact Report shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations, and resulting number of trips. The trip generation rates used must be from the latest edition of Trip Generation, Institute of Transportation Engineers (ITE). In lieu of using the ITE Trip Generation Manual, the Township Engineer may approve utilizing a local

study of corresponding land uses and quantities. All sources must be referenced in the study.

If pass-by trips or shared trips are a major consideration for the land use in question, studies and interviews at similar land uses must be conducted or referenced. Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the report. The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the report.

f) Non-Site Traffic Estimates

Estimates of non-site traffic shall be made, and will consist of through traffic and traffic generated by all other developments within the study area for which Preliminary or Final Plans have been approved. Non-site traffic may be estimated using anyone of the following three (3) methods: “Build-up” technique, area transportation plan data or modeled volumes, and trends or growth rates.

g) Estimates of Trip Distribution

Trip distribution can be estimated using any one of the following three methods:

- i. analogy;
- ii. trip distribution model; and,
- iii surrogate data.

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

h) Trip Assignments

Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between

origins and destinations to achieve realistic estimates, rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those producing five hundred [500] or more additional peak direction trips to or from the site during the development's peak hour) through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.

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

- i. determine the percentage of pass-by trips in the total trips generated;
- ii. estimate a trip distribution for the pass-by trips;
- iii. perform two separate trip assignments, based on the new and pass-by trip distributions; and,
- iv. combine the pass-by and new trip assignment.

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

i) Total Traffic Impacts

Traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's development, but also the trips subtracted from the traffic stream because of the removal of the existing land use. The traffic impact report should clearly depict the total traffic estimate and its components.

j) Capacity Analysis

Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and

unsignalized) within the study area. In addition, analyses must be completed for roadway segments, deemed sensitive to site traffic within the study area. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off-site and on-site. Other locations may be deemed appropriate, depending upon the situation.

The operational analyses in the *1985 Highway Capacity Manual, Special Report 209* (Transportation Research Board, National Research Council, Washington, D.C.), or the latest edition, should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.

k) Required Levels of Service

The recommendations of the traffic impact study shall provide safe and efficient movement of traffic to and from and within and past the proposed development, while minimizing the impact to non-site trips. The current levels of service must:

- i. be maintained if they are "C" or "D";
- ii. not deteriorate to worse than "C" if they are currently "A " or "B" ; and,
- iii. improved to "D" if they are "E" or "F ."

l) Responsibility for Improvements

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

m) Coordination with Municipal Requirements

The applicant shall be responsible for other improvements as may be required by an Impact Fee Ordinance enacted in accordance with the MPC.

d. Park and Recreation Study

A Park and Recreation Study for residential developments of thirty-five (35) or more units. Said report shall be prepared under the supervision of a

Certified Park and Recreation Professional with the following minimum considerations:

- 1) A description of the total projected number of residents in their respective age groups.
- 2) A description of those existing public recreation facilities, including any bicycle and pedestrian facilities located within a one-half (1/2) mile radius of the site.
- 3) A description of the adequacy of existing recreation facilities, including any bicycle and pedestrian facilities to serve the proposed residents, taking into consideration current usage.
- 4) Discussion of potential for any recreation facilities, including any bicycle and pedestrian facilities to be provided by the applicant to accommodate new residents and/or compensate for any anticipated deficiencies of the Township's recreational facilities.
- 5) A description of any recreation facilities, including any bicycle and pedestrian facilities to be provided by the applicant.
- 6) A description of responsibility for maintenance of any recreational facilities, including any bicycle and pedestrian facilities to be provided by the applicant.
- 7) A description of accessibility of the proposed recreational facilities, including any bicycle and pedestrian facilities to general Township residents.
- 8) A description of any contributions in accordance with Section 613 of this Ordinance that the applicant plans to make for Township recreation to compensate for expected impacts.
- 9) Source of standards used in the data presented.
- 10) The Park and Recreation report will be transmitted to the Township Park and Recreation Board for review.

e. Compliance with Sensitive Environmental Features

Verification of compliance with the Sensitive Environmental Features Overlay Districts in the Township's Zoning Ordinance.

- 1) All projects where wetlands have been delineated require a Jurisdictional Determination performed by the U.S. Army Corps of Engineers, or notification from the U.S. Army Corps of Engineers that wetlands do not exist on the subject site. Wetlands shown on the plan must match this Jurisdictional Determination. All documentation associated with the Jurisdictional Determination must be provided to the Township. In areas where soils have hydric inclusions, or in water areas, the Township reserves the

right to conduct, at the applicant's expense, a wetlands determination, including a wetlands margin delineation.

- 2) If any wetland features or hydric soils exist on the subject tract, the plan shall contain a note to the following effect:

“Some portions of the subdivision and/or land development may contain wetlands. Compliance with State and Federal wetland statutes and regulations is necessary before wetlands are filled or encroached upon by structures. The Pennsylvania Department of Environmental Protection should be contacted for guidance.”

f. Stormwater Management Plan

A Stormwater Management Plan as required in Section 609 of this ordinance.

g. Implementation of the Plan

Implementation of the Plan may require the applicant and/or lots purchasers to acquire certain County, State and Federal permits, such as but not limited to, permits for wetlands, stream encroachments, National Pollutant Discharge Elimination System (NPDES), approval and notices for the soil erosion and sedimentation control plan and highway occupancy. The Plan must contain a note acknowledging which permits will be required to properly implement the approved plan.

h. Geotechnical Report

A geotechnical report prepared by a Professional Engineer or Geologist with expertise in hydrology, soils and geology.

- 1) When it is determined that the applicant cannot avoid building on soils with severe limitations and there are concerns with respect to structural safety and/or environmental degradation, such report is required.
- 2) The report will provide more detail of soils and geologic characteristics in order to determine that soils can support development using suitable engineering measures.

i. Community Association Document

- 1) A Community Association Document, also known as a Homeowner's Association Document or Condominium Association Document, shall be provided for all subdivision and/or

land development applications which propose lands or facilities to be used or owned in common by all residents of that subdivision and/or land development and not deeded to the Township.

- 2) The elements of the Community Association Document shall include, but shall not necessarily be limited to the following:
  - a) A description of all lands and facilities to be owned by the Community Association. This description shall include a map of the proposal highlighting the precise location of those lands and facilities.
  - b) Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided.
  - c) A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document, which provides for automatic Association membership for all owners in the subdivision and/or land development and shall describe the mechanism by which owners participate in the Association, including voting, elections and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.
  - d) Statements prescribing the process by which the Community Association decisions are reached and setting forth the authority to act.
  - e) Statements requiring each owner within the subdivision and/or land development to become a member of the Community Association.
  - f) Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
  - g) Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association.
  - h) A process of collection and enforcement to obtain funds from owners who fail to comply.

- i) A process for transition of control to the Community Association will be issued, including limit of liability.
- j) Provisions for the dissolution of the Community Association, in the event the Association should become inviable.

j. Woodlands Evaluation

Woodlands evaluation prepared by a forester, landscape architect, horticulturist or another qualified professional acceptable to Newberry Township.

- 1) This evaluation shall be submitted as a report.
- 2) At a minimum, the report shall include one (1) or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the following criteria:
  - a) Configuration and size.
  - b) Present conditions, (i.e. stocking, health and species composition).
  - c) Ecological functions, (i.e. in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats).
  - d) Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.

k. Preliminary Open Space and Greenway Ownership and Management Plan

- 1) An Open Space and Greenway Ownership and Management Plan shall be provided for all subdivision and/or land development applications which propose lands or facilities to be used or owned in common by residents of that subdivision and/or land development and not deeded to the Township.
- 2) Use the Preliminary Plan as a base map, the boundaries, acreage and proposed ownership of all proposed open space and greenway areas should be shown. The Open Space and Greenway Ownership and Management Plan shall list the entities responsible for maintaining various elements of the property, and describe management objectives and techniques for each part of the property. Such management plans shall be consistent with the requirements of Section 403.11 of the Township Zoning Ordinance



("Ownership and Maintenance of Open Space and Greenway Land and Common Facilities").

1. Feasibility Report of Water Facilities

- 1) A water feasibility study is required for all non-agricultural uses that are not served by an existing public utility when any of the following are present;
  - a) A residential subdivision and/or land development not considered a minor plan provided in Section 301.04.1 of this Ordinance.
  - b) A non-residential use with an average groundwater demand (single or cumulative) greater than two thousand four hundred (2,400) gallons per day.
  - c) Located within one quarter (1/4) mile of an area known by the Township, Newberry Township Sewer Authority, or the applicant to have water quality or quantity problems, including but not limited to pollutants in excess of the Safe Drinking Water Regulations of the Environmental Protection Agency (EPA) and DEP.
- 2) The water feasibility study shall be prepared by a Professional Engineer or Geologist with expertise in hydrology, soils, and geology. The study shall consist of aquifer test(s) and water quality test(s). The feasibility study shall conform with and include, and/or determine the following:
  - a) A six (6) hour pump test to obtain sufficient data for the calculation of aquifer performance, including the coefficients of transmissibility and storage, permeability and specific yield.
  - b) A water budget and water availability.
  - c) Ascertain the effects of well interference.
  - d) Provide a guide in the spacing of wells for the development of a well field.
  - e) Aquifer Test Standards

Aquifer tests shall establish that the yields of proposed wells are sustainable on the subject property after development, during drought conditions (precipitation at forty [40%] percent

below normal and installation and use of said wells will not cause the yield of wells on adjacent properties to fall below the minimum sustainable yield as established by the standards of this Ordinance.

f) Water Quality Test

The water quality test shall be conducted by a DEP certified laboratory. All reports shall include the procedures used for sampling, the name of the individual performing the test, time, date and location of sampling.

- g) The aquifer will meet the minimum public health drinking water standards as set forth in the current National Safe Drinking Water Regulations of the EPA and DEP.
  - h) The feasibility study shall be based on data obtained from a minimum of three (3) sampling wells per ten (10) acres (gross parent tract acreage) per geologic formation present on the parent tract, or in the case of a tract smaller than ten (10) acres, three (3) wells minimum. Existing wells may be used to satisfy this requirement, if they are proven to be in the same geologic formation, within five hundred (500) feet of the proposed lots, and of consistent depth and construction to the wells proposed for the development.
  - i) The minimum sustainable specific yield is three (3) gallons per minute.
  - j) If a storage and a treatment system are required to meet minimum requirements, the study and plan submittal shall show the design and requirements of the storage and/or treatment system.
- 3) The water feasibility report shall consist of an examination of the possible use of an on-site water supply system(s) and the impact of such system(s) on ground water supply, or connection to an existing public water system.
- a) The report shall include the distance from the nearest public water system and the capacity of the existing system to accommodate the proposed development, where applicable.
  - b) The Board of Supervisors shall approve individual on-lot water supply systems only when the Feasibility Report indicates:

- Justification of the project necessitates consideration of this method.
- The water supply yield is adequate for the type of development proposed.
- The installation of such systems will not endanger or decrease groundwater supplies of properties adjacent to the proposed development.

m. Lighting Plan

- 1) Plan Submission – For subdivision and land-development applications where site lighting is required by this Ordinance, is otherwise required by the Township or is proposed by Applicant, lighting plans shall be submitted to the Township for review and approval with preliminary and final subdivision/land development plan applications and shall contain the following:
  - a) A plan or plans of the site, 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. The lighting plan shall contain a layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type. The submission shall include, in addition to existing and proposed area lighting, all other exterior lighting, e.g., architectural, building-entrance, landscape, flag, sign, etc.
  - b) A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in this Ordinance or as otherwise required by the Township. When the scale of the plan, as judged by the Township, makes a 10'x10' grid plot illegible, a larger grid spacing may be permitted.
  - c) The maintenance (light-loss) factors, IES candela file nomenclature, lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the presented illuminance levels.
  - d) Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.
  - e) When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize

conflict between vegetation and intended light distribution, both initially and at vegetation maturity.

- f) When requested by the Township, Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare and to retain the intended character of the Township. This plan may require the inclusion of initial vertical footcandle values at specific off-site venues, e.g., bedroom windows of adjacent residential uses.
- g) Plan Notes – The following notes shall appear on the Lighting Plan:
  - 1. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Township for review and approval.
  - 2. The Township reserves the right to conduct post-installation inspections to verify compliance with the Ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by the Township, to require remedial action at no expense to the Township.
  - 3. All exterior lighting shall meet IESNA full-cutoff criteria unless otherwise approved by the Township.
  - 4. Installer shall notify Township to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

## **403 FINAL PLANS**

### **403.01 SUBMISSION REQUIREMENTS**

The submission requirements for a Final Plan shall consist of the following elements, and shall be prepared in accordance with the drafting standards and plan requirements herein:

- a. Site Context Map in accordance with Section 402.01.4 of this Ordinance;
- b. Existing Resources and Site Analysis Plan in accordance with Section 402.01.5 of this Ordinance;
- c. Four (4) Step Process for Conservation Subdivision Design Layout for developments proposed in zoning districts listed in Section 402.01.6 of this Ordinance;
- d. Final Resources Impact and Conservation;

- e. Final Improvements Construction Plan;
- f. Final Studies and Reports in accordance with Section 402 and 403.01.4 of this Ordinance; and
- g. Additional Approvals, Certificates and Documents.

1. DRAFTING STANDARDS

The same standards required for a Final Plan as specified for Preliminary Plan in Section 402.01.1

2. COVER SHEET INFORMATION AND CERTIFICATIONS AND NOTIFICATIONS

In addition to the standards in Section 402.01.1 of this Ordinance required for the cover sheet of the Preliminary Plan and certifications and notifications in Section 402.01.3, the Final Plan cover sheets shall include:

- a. The designation, Final Plan, and date submitted.
- b. A statement acknowledging Final Plan approval (See Appendix No. 5). This statement must be place on all sheets which are subject to recording in the office of the York County Recorder of Deeds.
- c. A statement acknowledging Plan Review by the Township Planning Commission (See Appendix No. 3). This statement must be placed on all sheets which are subject to recording in the office of the York County Recorder of Deeds.
- d. A statement acknowledging Plan Review by the York County Planning Commission.
- e. A statement acknowledging Plan Review by the Township Engineer.
- f. PA DEP code number referencing the approved Planning Module.
- g. A notarized statement signed by the landowner, duly acknowledged before an officer authorized to take acknowledgement of deeds, to the effect that the subdivision and/or land development shown on the plan is the act and the deed of the owner, that all those signing are all owners of the property shown on the survey and plan, and that they desire the same to be recorded (See Appendix No. 2). This must be dated following the last change or revision to said plan.

- h. A statement offering dedication of streets, rights-of-way and other public property as well as area that is not offered for dedication (See Appendix No. 2).
- i. The submission of a controlling agreement for private streets in accordance with Section 603.11 of this Ordinance where an application proposes to establish areas which are not offered for dedication to public use.
- j. Such written notices of approval as required by this Ordinance, including written notices approving the encroachments along State Routes, water supply system, sanitary sewage systems, and storm water runoff to adjacent properties.
- k. A statement to accommodate the York County Recorder of Deeds information (See Appendix No. 3).
- l. Improvement guarantees in accordance with Article V.
- m. An application (See Appendix No. 6).
- n. An executed Memorandum of Understanding which sets forth the responsibilities of all parties regarding installation and inspection of all required improvements (See Appendix No. 9).
- o. Filing Fee  
The Final Plan shall be accompanied by a check or money order drawn to Newberry Township in an amount specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Building.

### 3. DATA REQUIREMENTS

- a. Final Existing Resources and Site Analysis Plan in accordance with Section 402.01.5 of this Ordinance consistent with the terms of the Preliminary Plan approval and modified as necessary to reflect the proposal for final approval.
- b. Final Resources Impact and Conservation Plan in accordance with Section 402.01.7 of this Ordinance. This plan shall be a refinement of the Preliminary Resource Impact and Conservation Plan to reflect all proposed improvements described in the other Final Plan documents as required in Section 403 herein.
- c. Final Improvements Construction Plan to include the following:

- 1) All information required to be shown or provided Preliminary Improvements Plan as listed in Section 402 of this Ordinance.
- 2) Proposed and existing tract boundary lines, right-of-way lines of streets, easements and other right-of-way and property lines of residential lots and other sites with complete descriptions including accurate dimensions, bearings, or internal angles, and radii, arcs, and deflection angles. The descriptions shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- 3) Profiles showing proposed centerline of the street. The profiles shall include at least the following: existing and proposed grades at the centerline of the street and storm sewer, sanitary sewer and water facilities including fire hydrants showing the locations, invert elevations and sizes. The plan must indicate service connection locations.
- 4) The location of existing and proposed survey monuments and markers according to Section 608 of this Ordinance.
- 5) Where off-site or community sewer service is to be provided, the final detailed design of all facilities, including but not limited to, sewer mains, manholes, pumping stations, and sewage treatment facilities.

#### 4. SUPPORTING DOCUMENTATION

- a. Whenever any improvements are proposed in connection with a subdivision and/or land development, it shall be the responsibility of the applicant to provide adequate engineering and related design construction specifications, performance guarantees, and ownership and maintenance responsibilities in accordance with the standards and requirements set forth in this Ordinance, as applicable.
- b. If water is to be supplied by means other than on-site wells maintained and operated by individual lot owners, the applicant shall present evidence that it is to be supplied by a certified public utility, municipal corporation, authority or utility. A copy of a Certificate of Public Convenience for the Pennsylvania Public Utility Commission or an application for such an agreement or commitment must accompany the plan as evidence that the proposed development will be supplied with an adequate, reliable and safe water supply.
- c. When improvements are proposed, a notation on the plan alerting the developer and his contractor that compliance with Pennsylvania's One Call statute (Act 172) is necessary. The suggested wording is: "Contractor

to contact Pennsylvania One Call System, Inc. to establish existing utility locations at least three (3) working days prior to the start of any earthmoving activities.”

- d. Suitable documentation that the applicable plans are in conformity with the ordinances and regulations governing the extension of utility service.
- e. If a stream traverses a proposed development, encroachment of the stream by bridges, culverts, fill material, etc. may require a permit from the Pennsylvania Department of Environmental Protection pursuant to 25 PA Code 105 of the Department’s Dams and Encroachments regulations. The applicant shall demonstrate compliance with these regulations for his intended construction. In addition, the applicant shall include a note on his plans alerting potential lot purchasers of any obligation they may assume pertaining to compliance with these State regulations.
- f. Such certificates, affidavits, endorsements, or dedications as may be required by the Board of Supervisors in the enforcement of these regulations.
- g. An overall Grading Plan in accordance with Section 402.01.9.b of this Ordinance.
- h. A Stormwater Management Plan approved by the Township Engineer and prepared in accordance with Section 609 of this Ordinance.
- i. A Final Traffic Impact Study, where required, in accordance with Section 402.01.9.c of this Ordinance.
- j. The final design shall include the location and size of water service facilities within the subdivision, including wells, storage tanks, pumps, mains, valves and hydrants.
- k. Final Open Space and Greenway Ownership and Management Plan consisting of the precise boundaries, exact acreage and proposed ownership of all proposed Open Space and Greenway areas should be shown. A narrative shall also be prepared indicating how and who will manage such Open Space and Greenway areas.
- l. Lighting Plan, where required in accordance with Section 402.01.9.m of this Ordinance.
- m. When the establishment of Sensitive Environmental Features Overlay Districts are not required by the Newberry Township Zoning Ordinance, a notation shall be added to the final plan requiring the establishment of the Sensitive Environmental Features Overlay District at a time of future



subdivision or development of these areas previously exempted by the provisions of the Newberry Township Zoning Ordinance.

## ARTICLE V

### IMPROVEMENT GUARANTEES

#### **501 GENERAL**

No project shall be considered in compliance with this Ordinance until the streets, street signs, sidewalks, curbs, landscaping, storm drainage for dedication or which affect adjacent properties or streets, sanitary sewer facilities for dedication, water supply facilities for dedication, fire hydrants, lot line markers, survey monuments and other such public improvements have been installed in accordance with this Ordinance, the Newberry Township Improvements Specifications Manual, and other applicable Township Ordinances.

When sanitary sewer and water supply facilities 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 Ordinance.

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 PennDOT in connection with the issuance of a highway occupancy permit pursuant to section 420 of the act of June 1, 1945 (P.L.1242, No.428) known as the "State Highway Law."

No Final Plan shall be signed by the Board of Supervisors for recording in the York County Recorder of Deeds office unless:

1. a financial security in accordance with Section 502 of this Ordinance is accepted by the Board of Supervisors; and/or
2. the public improvements required by this Ordinance have been installed in accordance with Section 503.

#### **502 FINANCIAL SECURITY**

The administration of the financial security shall comply with the provisions of this Article, the MPC, and other applicable laws of the Commonwealth.

SUBMISSION OF FINANCIAL SECURITY

Final Plan applications which include public improvements that have not been installed, shall include a financial security and Memorandum of Understanding (See Appendix No. 9).

1. TYPE OF FINANCIAL SECURITY

Although the Board of Supervisors may accept an alternative type of financial security, commonly used forms are Surety Performance Bonds, Escrow Accounts, and Irrevocable Letters of Credit. Such financial security must comply with the following, and is subject to review by the Township Solicitor and Board of Supervisors for adequacy.

a. Surety Performance Bond

A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania.

b. Escrow Account

A deposit of cash either with:

- 1) The Township; or
- 2) In escrow with a Federally- or Commonwealth-chartered financial institution.

c. Letter of Credit

A written instrument issued by a financial institution chartered by either a Commonwealth of Pennsylvania or Federal entity with authority to grant such charters, on behalf of the developer in which the issuer promises to honor demands for payment made by the Township in accordance with the terms and conditions of the instrument. The Letter of Credit shall be irrevocable and automatically renewable and shall conform with the most recent applicable versions of the Uniform Commercial Code.

2. GENERAL CONTENTS

In addition to other information required by the Township, financial securities shall include the following:

- a. The amount of secured funds.

- b. The date of termination which shall be a minimum of one (1) year from the date of Final Plan approval.
- c. In case of failure on the part of the developer to complete the specified improvements within the time period specified in a written agreement, the funds shall be paid to the Township immediately, and without further action, upon presentation of a signed draft in an amount necessary to finance the completion of those improvements, up to the limit of the security.

### 3. AMOUNT OF FINANCIAL SECURITY

The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110%) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the municipality 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<sup>th</sup>) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the municipality 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 Ordinance.

The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a Professional Engineer and certified by such engineer to be a fair and reasonable estimate of such cost. Said cost estimate shall be based upon the prevailing wage for municipal work and not the applicant's or developer's contract rate. The Board of Supervisors, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another Professional Engineer chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

- 5. 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 (1) year period beyond the first (1<sup>st</sup>)

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 (1) year period by using the above bidding procedure.

In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of Final Plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

6. 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 Board of Supervisors, and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved Final Plan.

Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors 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 time of completion and certification by Township Engineer, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements.

#### 7. RELEASE OF FINANCIAL SECURITY

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, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. This notice shall include the "As-Built Plan:" in accordance with Section 506 of this Ordinance. 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 aforesaid improvements. The Township Engineer shall, within forty five (45) days of authorization, 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 or shall be rejected by Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

The Board of Supervisors body 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.

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

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 outlined herein, shall be followed.

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.

#### 8. OTHER REMEDIES

In the event that any improvements which may be required have not been installed as provided in this Ordinance and other applicable Township regulations or in accord with the approved Final Plan, the Board of Supervisors shall enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision and/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.

**503           INSTALLATION OF PUBLIC IMPROVEMENTS IN CONJUNCTION WITH  
CONDITIONAL FINAL PLAN APPROVAL**

The procedure is available for the installation of public improvements in lieu of placing financial security with the Township.

**503.01           AUTHORIZATION FOR CONSTRUCTION**

Conditional Final Plan approval with a completed Memorandum of Understanding (see Appendix No.8) with approvals/permits for other agencies with jurisdiction grants the authority to install on the Public Improvements required as part of this Ordinance.

**503.02           COMPLETION OF PUBLIC IMPROVEMENTS**

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, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. This notice shall include the "As-Built Plan:" in accordance with Section 506 of this Ordinance. 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 aforesaid 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 or shall be rejected by Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

The Board of Supervisors body 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.

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

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 outlined herein, shall be followed.

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.

503.03      ALTERNATIVE SUBMISSION OF FINANCIAL SECURITY

The applicant or developers may elect to halt completion of public improvements and submit a financial security for outstanding public improvements. This submission shall follow the procedures of Section 502.

**504      DEDICATION OF IMPROVEMENTS**

All improvements shall be deemed to be private improvements and only for the benefit of the specific subdivision and/or land development until such time as the same have been offered for dedication and formally accepted by the Board of Supervisors. No responsibility of any kind with respect to the improvements shown on the Final Plan shall be transferred until the improvements have been formally accepted. All requests for dedication shall follow the current procedures of Newberry Township.

**505      MAINTENANCE GUARANTEE**

Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as shown on the approved 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.

**506      INSPECTION OF IMPROVEMENTS DURING CONSTRUCTION**

Prior to the initiation of construction, the developer shall notify the Township so that an inspection schedule can be coordinated with the construction schedule. Notice shall be given to the Township in accordance with the Newberry Township Improvements Specifications Manual in advance of commencement of any public improvements construction operation to provide for required inspection.

The Township, at the expense of the developer, reserves the right to require tests of the improvements to determine whether the improvement complies in all respects with the requirements of the Township.

Underground pipe structures, subgrades or base courses will not be covered until inspected and approved by the duly authorized official of the Township. Failure in compliance with the regulations shall provide cause for uncovering such work, at the applicant's expense, to permit the required inspection.

## **507 AS-BUILT PLANS**

Upon completion of all required improvements and prior to final inspections of the improvements, the developer shall submit a Plan labeled "As-Built Plan", drawn at the same scale as the Final Plan and certified by the applicant's Professional Engineer or Land Surveyor, showing the actual location, dimension, and elevation of all completed improvement, including but not limited to:

1. Concrete monuments;
2. The centerline and edge of cartway and top of the curb for both sides of each street;
3. Sanitary sewer mains, manholes and laterals;
4. Storm sewers, inlets and culverts;
5. Water mains and hydrants;
6. Landscaping and screen plantings;
7. Permanent sedimentation, erosion control and storm water management structures; and
8. All easements,

thus ensuring conformance with the previously approved drawings and specifications.

The plan shall specify all deviations from the previously approved drawings. Two (2) copies of the As-Built Plan (one paper and one mylar) shall be submitted to the Township Zoning Officer, who shall distribute the paper to the township Engineer. The Township shall retain the mylar for the Township files.



## ARTICLE VI

### DESIGN STANDARDS

#### **601 GENERAL APPLICABILITY**

The following principles, standards and requirements shall be applied by the Township Planning Commission and Board of Supervisors in evaluating plans for proposed subdivision and/or land development. In addition to the standards herein, the standards set forth by the Township Zoning Ordinance for the particular districts in which the subdivision and/or land development is taking place shall govern the layout of lots and/or design of buildings, parking lots and other facilities.

##### 601.01 MINIMUM STANDARDS

The standards and requirements outlined herein shall be considered the minimum standards and requirements, not only for the promotion of public health, safety and general welfare, but for the approval of subdivision and/or land development plans.

##### 601.02 WAIVERS OR MODIFICATIONS

If an applicant can clearly demonstrate that because of particular conditions pertaining to the applicant's land, the literal enforcement of these standards and requirements would cause undue hardship, such waivers and modifications from their literal interpretation may be permitted as may be reasonable and consistent with the purpose and intent of this Ordinance. Procedures for requesting waivers and modifications are set forth in Section 308 of this Ordinance.

##### 601.03 ADDITIONAL OR HIGHER TYPE IMPROVEMENTS

Additional or higher type improvements or design standards may be required in specific cases where the Board of Supervisors, on the recommendations of the Township Planning Commission, Township Engineer and/or other Professional Consultant(s) employed by the Township, determines such improvements or design standards are clearly necessary to protect the public health, safety and general welfare.

#### **602 LAND REQUIREMENTS**

##### 602.01 SUITABILITY

Land shall be suitable for the purpose for which it is to be subdivided and/or developed.

602.02      HAZARDOUS CONDITIONS

Land subject to hazardous conditions such as open quarries, sinkholes, limestone solution channels, unconsolidated fill, flooding, excessive erosion, unsafe water supply or hazardous or toxic site pollution shall not be approved for subdivision and/or land development until the applicant has provided or has legally committed to provide adequate measures to overcome or eliminate, mitigate and/or safeguard against such hazards, in the determination of the Board of Supervisors, to the best of their knowledge. However, the Township accepts no responsibility to identify or to guarantee their resolution.

602.03      SAFETY

No subdivision and/or land development shall occur in such a way that would threaten the public health and safety including hazards of toxic substances, traffic hazards, explosive hazards and/or fire hazards.

602.04      CONSISTENCY WITH PLANS AND REGULATIONS

No subdivision and/or land development shall be approved that would result in lots or land use, or that would in any other way be inconsistent with the Newberry Township Comprehensive Plan, Township Zoning Ordinance and all other local, state, and federal plans, ordinances, regulations and/or specifications.

602.05      COORDINATION WITH NEARBY DEVELOPMENT

A subdivision and/or land development and its street pattern shall be coordinated with existing or approved nearby developments or neighborhoods, to help develop the area and the community harmoniously and to prevent conflicts between neighboring development.

**603      STREETS, ALLEYS, DRIVEWAYS AND ACCESS DRIVES**

603.01      ACCESS TO STREETS

All proposed subdivisions and/or land developments shall have adequate and safe access to the public street system. Access shall be given to all lots and portions of the tract in the subdivision and/or land development, and to adjacent unsubdivided and/or undeveloped territory.

1.    Required Street Improvements

Streets giving such access shall be improved to the limits of the subdivision and/or land development.

2. Access for Further Subdivision and/or Land Development

If lots resulting from original subdivision and/or land development are large enough to permit resubdivision or development, or if a portion of the tract is not subdivided or undeveloped, adequate street rights-of-way to serve further subdivision and/or land development shall be provided with access as necessary. Remnants, reserve strips, and land-locked areas shall not be created.

603.02 CONFORMANCE WITH ADOPTED PLANS.

1. Newberry Township Comprehensive Plan

Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared or adopted by the Township, including the Newberry Township Comprehensive Plan, recorded subdivision and/or land development plans and the Official Map of the Township (if applicable), and shall be classified according to their function.

2. Other Jurisdictional Road or Highway Plans

Proposed streets shall further conform to such Township, County and State road and highway plans, as have been adopted and filed as prescribed by law.

603.03 INADEQUATE RIGHT-OF-WAY AND CARTWAY

Where a subdivision and/or land development abuts or contains an existing street of inadequate right-of-way or cartway width, additional right-of-way or cartway width shall be required, to conform to the minimum standards for the functional classification of the street to provide safe and adequate access to the proposed subdivision and/or land development, and to accommodate the increased traffic resulting therefrom.

603.04 ARTERIAL AND COLLECTOR STREET FRONTAGE

1. Where a subdivision and/or land development abuts or contains an existing or proposed arterial or collector street, the Board of Supervisors shall require one or more of the following methods of layout and site design if it determines one or more of these methods will be reasonable, feasible and necessary to avoid increased traffic congestion and improve traffic safety. The Board of Supervisors' decision to use one or more of the following methods will be based on the recommendations of the Township Planning Commission, Township Engineer, and/or Professional Consultant(s) employed by the Township, any comments from PennDOT and any professional traffic studies that have been submitted.

2. The use of a marginal access or “frontage” street or access only onto side or interior streets, to collect traffic from numerous driveways and direct it to a select few number of entrances to the arterial or collector street; and/or
3. The minimization of the number and length of driveway cuts or street intersections onto an arterial or collector street, which may include requiring the use of shared driveways between adjacent uses or lots; and/or
4. The restriction of ingress and egress involving left-hand turns onto or off of the arterial or collector street; and/or
5. The prohibition of driveways from individual dwellings entering directly onto an arterial or collector street. If there is no alternative to this, each driveway entering onto an arterial or collector street shall have adequate turn-around space for vehicles provided within the lot so that vehicles do not back onto the street.

603.05      ABUTTING RAILROAD RIGHT-OF-WAY

Where a subdivision and/or land development abuts a railroad right-of-way, new street crossings of the railroad are discouraged. All new street crossings shall be grade separated and the design and construction reviewed and approved by the Board of Supervisors, the railroad company responsible for the operation and maintenance of the track proposed to be crossed, the Pennsylvania Public Utilities Commission and PennDOT.

For properties abutting railroad rights-of-way, all structures and/or buildings shall conform to the prevailing Township Zoning Ordinance. However, no structure or building shall be placed within the railroad right-of-way. In no case shall any structure or building be located closer than twelve (12) feet from the centerline of the track.

603.06      GENERAL ARRANGEMENT OF STREETS

1. Streets shall be logically related to the original topography so as to produce usable lots, reasonable grades, proper alignment and drainage, and adequate sight vision.
2. Streets shall be laid out to preserve the integrity of their design.
3. Local streets shall be generally interconnected for use by local traffic but laid out to discourage use by through traffic.
4. A rigid rectangular street pattern is not required. The use of the modified grid pattern or curvilinear streets may be provided when their use will result in a

more desirable relation with circulation routes, adjoining development patterns, topography and natural features.

603.07

## COMPATIBILITY WITH EXISTING STREET SYSTEM

### 1. Existing Street System

Proposed streets shall be planned with regard to the existing street system, public convenience in terms of fire protection and pedestrian usage, probable volumes of traffic, existing and proposed use of land on adjacent properties and future development extension of the street system.

### 2. Street Continuation

Proposed streets shall be laid out to continue existing streets at equal or greater width, regarding both right-of-way and cartway, where such continuations are reasonable and practical. Minimum right-of-way and cartway widths are established herein this section.

### 3. Transition Area

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

### 4. Street Continuation into Adjoining Municipalities

Where streets continue into adjoining municipalities, evidence of compatibility of design, particularly with regard to street right-of-way and cartway widths shall be submitted. The applicant shall coordinate such designs with both municipalities to avoid abrupt changes in right-of-way and cartway width or in public or private improvements provided.

### 5. Street Names

Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets in the Township, irrespective of the use of the suffix “street”, “road”, “avenue”, “boulevard”, “way”, “drive”, etc. All street names shall be subject review by the Township Manager, approved by the Board of Supervisors.

### 6. Street Signs

Street signs, including street name and traffic controls, designed accordance with the Newberry Township Improvements Specifications Manual shall be

installed by the Township with the provision of improvement guarantees by the applicant.

603.08 HALF AND PARTIAL STREETS

1. New Half and Partial Streets

New half or partial streets shall not be permitted, except where essential for reasonable subdivision and/or land development of the tract in conformance with other requirements and standards of this Ordinance and where, in addition the dedication of the remaining part of the street has been adequately secured. Where new half or partial streets are proposed, the acceptance of Final Plans shall be conditioned upon the provision of guarantees and schedule of completion assuring the construction and completion of such streets to Township standards and specifications.

2. Existing Half and Partial Streets

Wherever a tract to be subdivided and/or developed borders an existing half or partial street, the other part of the street shall be plotted within the tract and improved to Township standards and specifications.

603.09 DEAD END STREETS

New dead end streets shall not be permitted, except as “stubs” to permit future street extension into adjoining tracts and designed as a temporary cul-de-sac in accordance with the standards of a temporary cul-de-sac.

603.10 CUL-DE-SAC STREETS

A cul-de-sac will not be approved when a through street is more advantageous.

1. Permanent Cul-de-Sac Street Lengths

Permanent cul-de-sac streets shall not have a centerline distance of less than two hundred fifty (250) feet or more than seven hundred fifty (750) feet in length, measured from the centerline intersection with a street which is not the cul-de-sac to the center of the cul-de-sac turnaround.

This distance may be extended to a maximum of one thousand five hundred (1,500) feet if the street is:

Within a Conservation Subdivision; and

The applicant can demonstrate to the Board of Supervisors that a suitable and conveniently located firefighting water source will be readily accessible to the subdivision.

The development shall be provided with an Emergency Access Easement in accordance with S. 607.01.10 of this Ordinance.

## 2. Temporary Cul-de-Sac Streets

Temporary cul-de-sac streets shall not have a centerline distance of less than two hundred fifty (250) feet or more than one thousand (1,000) feet in length, measured from the centerline intersection with a street which is not the cul-de-sac to the center of the cul-de-sac turnaround. Any street that is terminated for access to an adjoining property or because of authorized stage development shall be provided with a temporary, all weather turnaround paved in accordance with the provisions of the Newberry Township Improvements Specifications Manual, except that temporary cul-de-sacs need not be provided with curbing. The use of such turnaround shall be guaranteed until such time as the street is extended.

All cul-de-sac streets, whether permanently or temporarily designed and constructed as such, shall be provided at the closed end with a fully paved turnaround in accordance with the provisions of the Newberry Township Improvements Specifications Manual, except that temporary cul-de-sacs need not be provided with curbing. The developer who extends a street that has been provided with a temporary turnaround shall remove the temporary turnaround and restore the areas of the temporary turnaround.

Unless future extension is clearly impractical or undesirable the turnaround right-of-way shall be placed adjacent to a property line and the right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street may be extended, the coverage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround. The small triangles of land beyond the cul-de-sac to the tract boundary shall be so deeded that, until the street is continued, maintenance of these corners of land will be the responsibility of the adjoining owners.

## 3. Cul-de-Sac Right-of-Way and Cartway Widths

The required minimum right-of-way and cartway width and radii for the turnaround of cul-de-sac streets shall be as follows:

Street Feature	Minimum Width
Right-of-Way	50' (Stem) / 100' (diameter of turn-around)
Cartway	40' (Stem) / 80' (diameter of turn-around)

For all other design and construction criteria, cul-de-sacs shall meet the standards of a Minor Street.

4. Drainage of Cul-de-Sac Streets

Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end, it shall be conducted away in an underground storm sewer.

5. Snow Storage Easement on Cul-de-Sac Streets

A snow storage easement shall be provided at the end of the cul-de-sac, which shall provide for proper drainage as the snow melts. A curb cut shall be provided at least twenty (20) feet in width and ten (10) feet in depth and the easement shall be located so that a snow plow can push snow relatively straight from the street to the far end of the cul-de-sac. This snow storage easement shall be located clear of any driveways.

6. Cul-de-Sac Street Grades

The required minimum and maximum centerline grade of cul-de-sac streets shall be.

Criteria	Centerline Grade/Slope
Minimum	1%
Maximum	10% (Stem) / 5% (diameter of turn-around)

603.11

PRIVATE STREETS.

1. New Private Streets

Private streets are prohibited unless they meet the same design standards and specifications as public streets and unless they are accompanied by a right-of-way and permanent maintenance agreement subject to review and approval by the Township. This agreement shall be recorded with the office of the York County Recorder of Deeds on the same date as the recording of the Final Plan.

The agreement shall contain at least the following:

- a. Identification of all parties with responsibility for the ownership and maintenance of the private street.



- b. Provision for enforcing the agreement upon all parties of the agreement.
- c. Assurance that the street will be constructed and maintained in conformance with this Ordinance.
- d. A requirement that a future offer of dedication will not be made until and unless the street is restored to the prevailing standards for a Township street.
- e. A requirement that an offer of dedication will include either the entire street system, or sections which provide reasonable circulation with the public street system.
- f. A method for assessing maintenance repair cost.

603.12 STREET DESIGN CRITERIA

1. General.

In addition to the design standards for streets provided in this Ordinance, all streets shall be designed and constructed in accordance with the Newberry Township Improvements Specifications Manual.

2. Street Right-of-Way Width.

The required minimum street right-of-way widths shall be as follows:

Street Feature	Street Classification		
	Arterial	Collector	Minor
Minimum Right-of-Way Width	80' <sup>(1)</sup>	60'	50'

<sup>(1)</sup> subject to PennDOT review and concurrence, whichever standard is greater.

3. Street Cartway Width.

The required minimum street cartway widths shall be as follows:

Street Feature	Street Classification				
	Arterial	Collector	Minor (Parking 2 sides)	Minor (Parking 1 side)	Minor (No Parking)
Minimum Cartway Width	36' <sup>(1)</sup>	36'	32'	28'	24'

<sup>(1)</sup> subject to PennDOT review and concurrence, whichever standard is greater.

4. Street Centerline Grades.

The required minimum and maximum street centerline grades shall be as follows:

Street Feature	Street Classification		
	Arterial	Collector	Minor
Minimum Centerline Grade	1%	1%	1%
Maximum Centerline Grade	6% <sup>(1)</sup>	8%	10%

<sup>(1)</sup> subject to PennDOT review and concurrence, whichever standard is greater.

5. Intersection Grades.

At approaches to street intersections (four-way intersections and the terminating street at three-way intersections) which exceed seven (7%) percent, all streets shall have a maximum grade of four (4%) percent for a minimum length of one hundred (100) feet measured back from the intersection of the centerlines of all streets.

6. Sight Distance.

The required minimum sight distance for horizontal alignment of streets shall be as follows:

Design Speed	Minimum Required Sight Distance
60 mph	525'
55 mph	450'
50 mph	400'
45 mph	325'
40 mph	275'
35 mph	225'
30 mph	200'
25 mph	150'
20 mph	125'

The horizontal sight distance shall be measured from a point three and one-half (3.5) feet above the road surface to a point six (6) inches above the road surface.

7. Horizontal Curves.

The required minimum centerline radius of horizontal street curves shall be as follows:

Street Feature	Street Classification		
	Arterial	Collector	Minor
Minimum Centerline Radius for Horizontal Curve	500 <sup>(1)</sup>	300'	150'

<sup>(1)</sup> subject to PennDOT review and concurrence, whichever standard is greater.

Where connecting street lines deflect from each other at any one point, the lines must be connected with a true, circular curve.

8. Tangent between Reverse Curves.

The required minimum length of tangents between reverse curves shall be as follows:

Street Feature	Street Classification		
	Arterial	Collector	Minor
Minimum Tangent between Reverse Curve	300 <sup>(1)</sup>	100'	100'

<sup>(1)</sup> subject to PennDOT review and concurrence, whichever standard is greater.

9. Vertical Curves:

The required minimum sight distances for vertical alignment of streets shall be as follows:

Design Speed	Minimum Required Sight Distance	
	Crest	Sag
60 mph	190'	120'
50 mph	110'	90'
40 mph	60'	60'
35 mph	46'	49'
30 mph	30'	40'
25 mph	16'	26'

Changes in grade in excess of one (1%) percent shall be joined by vertical curves.

Sight distance shall be measured from a point three and one-half (3.5) feet above the road surface to a point six (6) inches above the road surface.

603.13

ADDITIONAL ACCESS FOR CERTAIN DEVELOPMENTS

Any development of twenty-five (25) or more dwelling units or units of occupancy, or in the case of non-residential development not more than five hundred (500) average daily vehicle trips based on either the latest edition of the Trip Generation Manual of the Institute of Transportation Engineers, or from a local study of corresponding land uses and quantities shall be provided with at least two (2) means of vehicle access into the development. The second means

may be limited to emergency vehicles provided the applicant proves access will be properly designed for its intended purpose and in accordance with S. 607.01.10 of this Ordinance.

603.14 SLOPES OF BANKS ALONG STREETS

1. Slopes Consistent with Centerline

The slope of banks within the street right-of-way shall be graded consistent with the street centerline.

2. Maximum Slope Provisions

The maximum slope of banks outside of the street right-of-way measured perpendicular to the centerline of the street shall be no steeper than as follows:

Bank Feature	Maximum Slope
Fills	1' vertical for 3' horizontal
Cuts	1' vertical for 2' horizontal

603.15 STREET INTERSECTIONS

1. PennDOT Approval

All intersections with a State Route shall be subject to the approval of PennDOT. All Highway Occupancy Permit applications, excluding those for residential driveways, require a "Review of Awareness" by the YCPC Transportation Department prior to its submittal to the Pennsylvania Department of Transportation (PennDOT). Copies of Highway Occupancy Permits shall be submitted for all proposed intersections with a State Route prior to Final Plan approval.

2. Intersection of Multiple Streets

Multiple intersections involving the junction of more than two (2) streets are prohibited.

3. Alignment with Existing Streets

Where a proposed street intersects with an existing cross street, such proposed street shall be aligned with any street intersecting on the other side of the cross street, unless the Board of Supervisors or PennDOT determine such an alignment is not reasonable or feasible.

4. Distance between Intersections

The minimum required distance between the centerline intersections shall be as follows:

Street Feature	Type of Intersection				
	Arterial w/ Arterial	Arterial w/ Collector	Collector w/ Collector	Collector w/ Minor	Minor w/ Minor
Minimum Distance between Centerline Intersections	1,000' <sup>(1)</sup>	800'	450'	150'	150'

<sup>(1)</sup> subject to PennDOT review and concurrence, whichever standard is greater.

The minimum required distance between the centerline of intersections shall be measured along the centerline of the street being intersected.

5. Intersection Angles.

Right angle intersection shall be used whenever possible.

The required minimum and maximum angles of intersections of streets shall be as follows:

Street Feature	Type of Intersection				
	Arterial w/ Arterial	Arterial w/ Collector	Collector w/ Collector	Collector w/ Minor	Minor w/ Minor
Minimum Angle of Intersections	90 degrees	90 degrees	75 degrees	75 degrees	75 degrees
Maximum Angle of Intersections	90 degrees	90 degrees	105 degrees	105 degrees	105 degrees

6. Intersection Radii for Cartways.

The required minimum radius for the cartway edge at intersections shall be as follows:

Street Feature	Type of Intersection				
	Arterial w/ Arterial	Arterial w/ Collector	Collector w/ Collector	Collector w/ Minor	Minor w/ Minor
Minimum Cartway Edge Radius @ Intersection	40' <sup>(1)</sup>	35'	30'	25'	20'

<sup>(1)</sup> subject to PennDOT review and concurrence, whichever standard is greater.

7. Intersection Radii for Rights-of-Way.

The required minimum radius for the right-of-way at intersections of streets shall be as follows:

Street Feature	Type of Intersection				
	Arterial w/ Arterial	Arterial w/ Collector	Collector w/ Collector	Collector w/ Minor	Minor w/ Minor
Minimum Right-of-Way Radius @ Intersection	30 <sup>(1)</sup>	25'	20'	15'	10'

<sup>(1)</sup> subject to PennDOT review and concurrence, whichever standard is greater.

8. Clear Sight Triangles at Intersections.

The required minimum clear sight triangles at intersections of streets shall be as follows:

Street Feature	Type of Intersection				
	Arterial w/ Arterial	Arterial w/ Collector	Collector w/ Collector	Collector w/ Minor	Minor w/ Minor
Minimum Clear Sight Triangle @ Intersection	150'	150'	100'	75'	75'

a. Clear Sight Triangle Easement

There shall be provided and maintained, by a permanent recordable easement, deed restriction or other legally binding method acceptable to the Township, at all intersections a clear-sight triangle with a line of sight between points which are established along the centerline of the intersecting streets.

Clear sight triangles shall be indicated on the plans. No building or other obstructions (except for utility poles, street lights, street signs, and traffic signals) that would obscure the vision of the motorist shall be permitted in these areas. Grading and/or plantings (existing through mature growth) less than three (3) feet and greater than ten (10) feet above the street grade shall be permitted in the clear sight triangle.

Wherever a portion of the line defining a clear sight triangle occurs behind a building setback line, such portion shall be deemed the building setback line.

9. SIGHT DISTANCE AT INTERSECTIONS

The required minimum Safe Stopping Sight Distance for intersections of streets shall be as follows:

Posted Speed (Classification)	Sight Distance to Left	Sight Distance to Right
55 mph (Arterial Streets)	845 feet	875 feet
45 mph (Arterial Streets)	635 feet	570 feet
35 mph (Collector Streets)	440 feet	350 feet
25 mph (Minor Streets )	250 feet	195 feet

All intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The sight distance shall be measured to an object six (6) inches above the surface of the road along the centerline of the roadway being intersected, from the proposed intersecting road a height of three and one-half (3.5) feet and ten (10) feet from the edge of paving at the intersection.

In lieu of these standards, the applicant shall demonstrate that the sight distance provided is equal to or greater than the formula for minimum safe stopping sight distance (SSSD) provided in PennDOT Highway Occupancy Permit Handbook, Publication 282.

603.16

ALLEY

1. New Alleys

Alleys are prohibited unless the applicant demonstrates a need. Alleys shall be limited to providing a secondary means of access to lots with street frontage on an arterial or collector, and designed to discourage through traffic.

2. Private Alleys

Alleys shall not be offered for dedication to the Township. Applications for alleys shall be accompanied by a right-of-way agreement, which shall be submitted for review by the Township and recorded in the office of the York County Recorder of Deeds on the same day as the recording of the final plan.

3. Setback from Alley Centerline

No part of any dwelling, garage, or other structure shall be located within sixteen and one half (16.5) feet of the centerline of an alley.

Alleys shall not terminate as dead-end streets or cul-de-sacs.

4. Alley Right-of-Way and Cartway Widths.

The required minimum right-of-way and cartway widths for alleys shall be as follows:

Alley Feature	Width
Minimum Right-of-Way Width	33'
Minimum Cartway Width	20'

5. Additional Alley Standards

Except for right-of-way and cartway standards, all other design and construction criteria, alleys shall meet the standards of a Minor Street.

6. On-Street Parking in Alleys

On-street parking is prohibited along alleys and this prohibition must be acknowledged both on the Plan and on the site.

603.17

DRIVEWAYS

1. General

Driveways shall provide vehicular movement from a street to a parking area, garage, dwelling, building or structure to a lot or a property containing a single-family dwelling unit of occupancy or a farm.

2. PennDOT Approval

All intersections with a State Route shall be subject to the approval of PennDOT. All Highway Occupancy Permit applications, excluding those for residential driveways, require a “Review of Awareness” by the YCPC Transportation Department prior to its submittal to the Pennsylvania Department of Transportation (PennDOT). Any driveway intersecting with a State Route shall obtain a Highway Occupancy Permit from PennDOT prior to receipt of a Building Permit.

3. Driveway Standards and Requirements

Driveways shall conform to the following:

a. Number of Driveways per Lot

No more than two (2) driveway connections per lot shall be permitted and only one driveway connection per one hundred (100) feet of lot frontage is permitted. Driveway connections with a public street, when located on the same lot, shall be separated by a minimum of twenty-five (25) feet.

b. Driveway Setback Distances



Driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting streets, nor within five (5) feet of a fire hydrant. Driveways shall be set back at least three (3) feet from any side lot line, unless a common or joint driveway location is proposed. Plans which propose common or joint driveways shall be accompanied by a right-of-way agreement which shall be submitted for review by the Township and recorded with the York County Recorder of Deeds on the same date as the recording as the Final Plan. This agreement shall establish the conditions under which the driveways will be maintained.

c. Driveway Clear Sight Triangles

Driveways shall be located and constructed so that a clear sight triangle of seventy-five (75) feet, as measured along the street centerline, and five (5) feet along the driveway centerline is maintained; Grading and/or plantings (existing through mature growth) less than three (3) feet and greater than ten (10) feet above the driveway grade shall be permitted in the clear sight triangle. Clear sight triangles shall be shown on all plans.

d. Driveway Slope

A driveway shall not exceed a slope of eight (8%) percent within twenty-five (25) feet (of the street right-of-way lines and no segment shall exceed fifteen (15%) percent.

e. Accessing Street of Lesser Classification

Driveway access shall be provided to the street of less classification when there is more than one street classification involved.

f. Driveway Width

Within ten (10) feet of the right-of-way of an intersecting street, driveways shall not be less than ten (10) feet or greater than twenty (20) feet in width.

g. Paving Requirement

Driveways shall be paved from the edge of a street cartway for their full width to a minimum length of fifteen (15) feet toward the lot and be constructed in a manner consistent with the design, maintenance, and drainage of the street.

h. Driveway Alignment

Driveway shall be aligned with driveways on the opposite side of the street whenever possible, but shall be located in relationship to driveways

on other adjacent properties to provide safe and efficient movement of vehicles.

i. Driveway on Arterial and Collector Streets

Driveways which intersect arterial or collector streets shall be provided with vehicle turnaround within the lot, to prevent vehicles from backing out into the street. The minimum size of this turn around area shall be ten (10) feet by twenty (20) feet and the turn around shall be placed to the side of the main driveway so that entrance to the road can be performed in a safe manner.

j. Driveway Bank Slope

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 twenty-five (25) feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed three (3) feet within twenty (20) feet of the street.

k. Driveway Intersection Angle

The minimum required angle between the centerline of a driveway and the centerline of the street which that driveway intersects shall be sixty-five (65) degrees.

603.18

ACCESS DRIVES.

1. General

Access drives shall provide vehicular movement from a street to a parking area, garage, building or structure with a lot or a property containing any use other than a single-family dwelling unit of occupancy or a farm.

2. PennDOT Approval

Subject to approval of PennDOT when intersecting a State Route. All Highway Occupancy Permit applications, excluding those for residential driveways, require a "Review of Awareness" by the YCPC Transportation Department prior to its submittal to the Pennsylvania Department of Transportation (PennDOT). Copies of Highway Occupancy Permits from PennDOT shall be submitted for all proposed intersections with a State Route prior to Final Plan approval.

3. Access Drive Standards and Requirements

a. Access Drive Cartway Width

The required minimum cartway width for alleys shall be as follows:

Function	Minimum Required Cartway Width
Two (2) lanes of traffic with on-street parking on both sides	36'
Two (2) lanes of traffic without on-street parking	24'
One lane of traffic with one lane of on-street parking	20'
One lane of traffic without on-street parking	12'

When vehicular parking is prohibited along access drives, the prohibition must be acknowledged on the Plan and properly signed.

b. Vertical and Horizontal Alignment

Subject to conform to the vertical and horizontal alignments of a Minor Street.

c. Access Drive Setback Distances

Not connect with a public street within one hundred (100) feet from the intersection of any street right-of-way lines or any other access drive located upon the same lot (measured from the nearest cartway edge to nearest cartway edge); and set back fifteen (15) feet from any side and/or rear property lines; however this set back may be waived along one property line when a joint parking lot is shared by adjoining uses. Plans which propose joint parking shall be accompanied by a right-of-way agreement which shall be submitted for review by the Township and recorded with the York County Recorder of Deeds on the same date as the recording as the Final Plan. This agreement shall establish the conditions under which the driveways will be maintained.

d. Access Drive Alignment

Drives shall be aligned with access drives on the opposite side of the street and be located in relationship to access drives on other adjacent properties to provide safe and efficient movement of vehicles. But in no case shall the alignment of access drives be less than the required minimum separation as specified for minor or local streets.

e. Access Drive Intersection Angle

Designed as ninety (90%) degree intersections with street rights-of-way whenever possible. No access drive intersection shall utilize an angle less than seventy-five (75%) degrees unless turning movement restrictions are imposed.

f. Intersection Radii for Cartway

Designed with a minimum radius for cartway edge at intersections of thirty (30) feet if no truck traffic is anticipated, otherwise if truck traffic is anticipated, the minimum radius for cartway edge at intersections of shall be fifty-five (55) feet.

g. Access Drive Clear Sight Triangle

Provided with a clear sight triangle and sight distance as required for a Minor Street.

h. Access Drives as Cul-de-Sacs

Access drives which form a cul-de-sac shall not exceed one thousand 1,000) feet (in length) measured from the centerline intersection with a street which is not the cul-de-sac to the center of the cul-de-sac turnaround. Access drive cul-de-sacs, which do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of one hundred (100) feet

i. Number of Access Drives per Lot

Not exceed two (2) per lot street frontage for both full, i.e. all movements, and partial, i.e. vehicle restriction access drives.

j. Access Drive Traffic Control

Speed Humps

Have speed hump and/or stop signs located to control speed and facilitate pedestrian traffic.

Speed humps must be painted with yellow diagonal stripes. There shall be a warning sign posted at each entrance to a parking area having speed humps. In no case shall the overall height of speed humps exceed two (2) inches.

### Crosswalks

Have crosswalks delineated from parking areas to sidewalks along building fronts at a maximum interval of one hundred ten (110) feet along the building or sidewalk.

#### k. Landscaped Median

Access drives may propose a landscaped median that accommodates truck turning movement and emergency vehicle access.

#### l. Access Drive Improvement Specifications

Access drives shall be designed and constructed in accordance with the Newberry Township Improvements Specifications Manual.

603.19

### BICYCLE FACILITIES

#### 1. General.

Bicycle facilities shall be designed according to one of the following standards:

- a. Separate bicycle paths or trails shall be required if such paths or trails have been specified in the Newberry Township Comprehensive Plan or identified in any required Traffic Impact Study.
- b. Bicycle lanes, where required, shall be placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. The lanes shall be delineated with markings, preferably striping. Raised reflectors or curbs shall not be used.
- c. Movement within the bicycle lanes shall flow in the same direction as the adjacent travel lane.

#### 2. Bicycle facilities shall be constructed to one of the following specifications:

- a. Bicycle Paths or Trails along or outside of Township Road Rights-of-Way - A two-way off-street bike path should have a minimum paved width of eight (8) ft and a maximum width of twelve (12) ft.
  - 1) Bicycle paths or trails shall be provided in the required Open Space and/or Greenways for Conservation Subdivisions or provide for connections from the proposed development to areas such as schools,

parks and recreation facilities, community activity centers, employment concentrations, and shopping and commercial centers.

- 2) Choice of surface materials, including bituminous mixes, concrete, gravel, soil cement, stabilized earth, and wood planking, shall depend on the intensity of the development and shall be determined by the developer and approved by the Township Engineer.
- 3) Gradients of bicycle paths should generally not exceed a grade of five (5%) percent, except for short distances where the grade shall not exceed fifteen (15 %) percent.
- 4) The radius of curvature based on the grade of the path entering the curve shall be as follows:

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

- 5) Design consideration shall consider the intersection of a bicycle path and a street to provide maximum safety.
- b. Bicycle Lanes on Township Roads - Bicycle lanes shall be designed to one of the following standards:
- 1) A one-way bicycle lane on a curbed street shall have a minimum width of four (4) ft. measured from the face of the curb. The paving material and construction shall be the same as the adjacent street.
  - 2) A one-way bicycle lane next to a parking lane shall be located between the parking lane and the travel lane and have a minimum width of five (5) ft. The paving material and construction shall be the same as the adjacent parking lane.
  - 3) A one-way bicycle lane on a street without a curb or gutter shall be a minimum of four (4) ft. The shoulder can and should be used when possible. The shoulder shall be kept clear of any obstructions and clean to remove any excess gravel or other debris. The paving material and construction shall be the same as the shoulder. If the lane is being constructed on an existing road that has no shoulder or if the shoulder is in poor condition the lane shall be improved and constructed to the standards set forth for the specific functional classification of said street.
- c. Bicycle Lanes and Bicycle Paths on PennDOT Roads – Bicycle lanes shall be designed in accordance to most recent version of Maintenance

and Justification of Bicycle Design Elements Chapter 16 Bicycle Facilities (Design Manual Part 2).

**604      **SIDEWALK AND CURB****

604.01      SIDEWALKS REQUIRED

Sidewalk shall be provided in for all developments within the zoning districts in the Designated Growth Areas or in the Designated Rural Areas where the median size of the lot areas is equal to or less than fifteen thousand (15,000) square feet or median lot width less than one hundred (100) feet whichever is less. Additionally, sidewalk shall be required in the following circumstances;

1.    To continue existing sidewalk systems to the terminus of a service area or block.
2.    To provide access to vehicular compounds, school bus zones, or recreational areas.
3.    To provide access to and/or within a commercial, industrial, or other community facilities.

604.02      SIDEWALK IMPROVEMENT SPECIFICATIONS

Sidewalk shall be designed and constructed in accordance with the Newberry Township Improvements Specifications Manual.

604.03      SIDEWALK LOCATIONS

1.    Along Streets

Sidewalk which is located along streets or access drives shall be located along the side(s) of the street upon which lots front and pedestrian traffic is anticipated.

Sidewalk along public streets shall be located two (2) feet inside the street right-of-way and physically divided from the street curb by a three (3) foot grass strip.

2.    Off-Streets

Sidewalk which is provided along off street, or off access drives shall be located along the anticipated pedestrian routes.

604.04 MAINTENANCE AND REPAIR RESPONSIBILITY

Maintenance and repair cost for sidewalk is the sole responsibility of the landowner.

604.05 PEDESTRIAN EASEMENTS

Pedestrian easements, which may be required by the Township to facilitate pedestrian circulation or to give access to community facilities, shall have a minimum right-of-way width of ten (10) feet in which a walkway width is four (4) feet. This walkway shall be improved to the standards set forth in the Newberry Township Improvements Specifications Manual.

604.06 CURB

1. Curbs Required

Curb shall be provided in for all developments within the zoning districts in the Designated Growth Area and wherever sidewalks are installed.

If curbs are not provided, appropriate stabilized drainage channels designed to handle a twenty-five (25) year storm shall be required along all streets, within the street right-of-way or drainage easements.

2. Curb Improvement Specifications

Curbs shall be designed and constructed in accordance with the Newberry Township Improvements Specifications Manual.

3. Curbs Not Required

Depending on storm drainage conditions, curbs shall not be required in blocks where the street grade exceeds five (5%) percent.

4. Unusual or Particular Conditions

The Township may require curb where unusual or particular conditions prevail with respect to stormwater runoff, prospective traffic and/or safety of pedestrians.

5. Sidewalk Ramps

Curbs, when provided in conjunction with sidewalks, shall be designed with sidewalk ramps at all street intersections. Sidewalk ramps shall be designed and constructed in accordance with the Newberry Township Improvements Specifications Manual.



6. Transition

Transitions in curb type shall only be located at street intersections and are subject to approval by the Township.

**605       BLOCKS AND LOTS**

605.01       GENERAL

The configuration of blocks and lots shall be based upon the zoning requirements, traffic circulation, salient natural features, existing man-made features, and land use. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

605.02       RESIDENTIAL BLOCKS

All blocks in a residential subdivision shall have a maximum length along any side of sixteen hundred (1,600) feet. Where practical, the minimum length of any side shall be two hundred fifty (250) feet. In blocks exceeding one thousand (1,000) feet, a pedestrian sidewalk or having a minimum easement or right-of-way width of ten (10) feet and constructed as a sidewalk in accordance the Newberry Township Improvements Specifications Manual.

605.03       NON-RESIDENTIAL BLOCKS

Blocks in nonresidential areas shall be primarily concerned with traffic circulation in addition to service to the public and with adequate off-street parking and loading facilities.

Blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots are necessary or in the case of Conservation Subdivision layouts, or other site-specific conditions.

605.04       LOT CONFIGURATION

1. Side Lot Lines

Whenever practical, side lot lines shall be radial or perpendicular to street lines.

2. Lots Crossing Municipal Boundaries

In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply.

3. Provisions for Further Subdivision

Lots with areas that are two or more times the minimum area requirements shall, wherever feasible, be designed with configurations which allow for additional subdivision. The Township may require a sketch plan of such large lots that indicates the potential future subdivision is generally in conformance with the design standards.

4. Frontage on Public Street

All lots shall front on a public street. Lots not fronting on a public street shall not be approved, except as provided in Section 603.11 of this Ordinance regarding Private Streets.

5. Double Frontage Lots

Double Frontage Lots are prohibited. A double frontage lot fronts upon two parallel streets or upon two streets which do not intersect and vehicular access is provided to both streets. The Township may permit Reverse Frontage Lots as provided in Section 605.04.6 of this Ordinance.

6. Reverse Frontage Lots

a. General

Reverse Frontage Lots front upon two parallel streets, or upon two streets which do not intersect, and vehicular access is provided to only one (1) of the streets. All residential Reverse Frontage Lots shall designate one (1) frontage as the rear yard with a minimum depth of seventy-five (75) feet and have a planted buffer easement of at least twenty (20) feet in width located immediately contiguous to the street right-of-way. Vehicular access shall be prohibited from the rear of Reverse Frontage Lots.

All Reverse Frontage Lots shall include an identification of the frontage for use as a road access. The street designated for frontage must be consistent with contiguous lots.

7. Corner Lots

Corner lots shall be proportionally larger than other lots in order to meet the required building setback from both streets.

8. Flag-Lots

a. General

Flag-lots shall only be permitted when they will enable the preservation of some important natural or cultural feature (including productive farmland), which would otherwise be disturbed by conventional lotting techniques;

b. Parts of Flag-Lot

For the purposes of this section, a flag-lot shall be described as containing two parts:

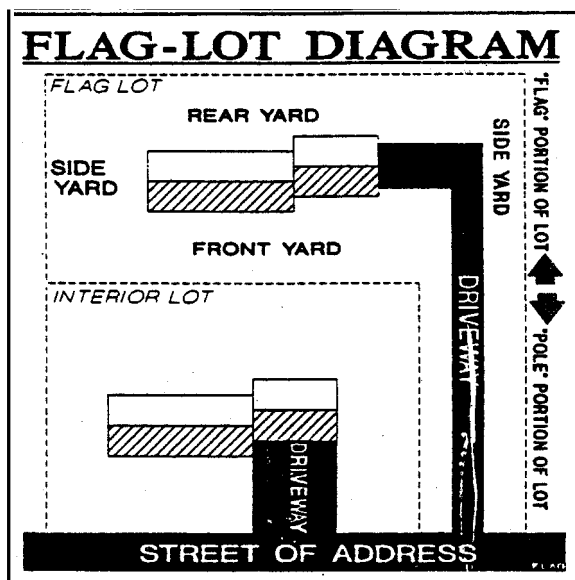
The Flag- shall include that portion of the lot that is the location of the principal and accessory buildings.

The Pole- shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road;

c. Requirements for the Flag:

The minimum lot areas and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.

For purposes of determining required yards and setbacks, the following shall apply:



Front yard- The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard;

Rear yard -The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and,

Side yards -The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, **plus** the area on the opposite side of the principal structure. (See the preceding Flag-Lot Diagram for graphic depiction of the yard locations.)

- d. The flag-lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from the lot is in the forward direction.
- e. Requirements for the Pole:

The pole shall maintain a minimum width of twenty-five (25) feet.

The pole shall not exceed seven hundred fifty (750) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.

No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements, such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.

The cartway contained on the pole shall be located at least six (6) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or any adjoining property.

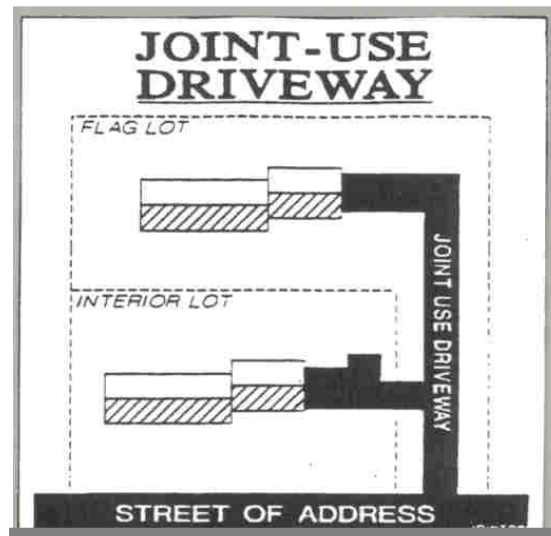
No pole shall be located within two hundred (200) feet of another on the same side of the street, unless an adjoining pole utilizes a joint-use driveway, regulated as follows:

- f. Joint-Use Driveways:

When one or more flag lots are proposed, such lots may rely upon a joint-use driveway for vehicular access.

A joint-use driveway must serve at least one flag-lot, but may also serve conventional lots, up to a maximum of four (4) total lots.

All joint-use driveways shall have a minimum cartway width of sixteen (16) feet.



Cross access easements shall be required to ensure common use of, access to, and maintenance of, joint-use driveways; such easement agreements shall be subject to review and approval by the Township. This agreement shall be recorded with the office of the York County Recorder of Deeds on the same date as the recording of the Final Plan, depicted on the subdivision plan, and comply with Section 510.5 of the Township Zoning Ordinance.

All remnants of land (areas after subdivision) shall conform to the lot area and configuration requirements.

All lots shall be designed to provide sufficient building area based upon building setbacks, easements, floodplains, etc.

605.05 LOT SIZE AND/OR INTENSITY

Lot areas shall conform to the prevailing Township Zoning Ordinance requirements. However, when on-lot sewage disposal systems and/or on-lot water supply systems are proposed, the required lot size shall be large enough to meet the requirements of the PA DEP, but in no case shall the lot size be less than that of the zoning district in which the property is located, as set forth in the Township Zoning Ordinance.

**606 BUILDING SETBACK LINES AND BUILDING SEPARATIONS**

The building setback lines and building separation shall conform to the prevailing Township Zoning Ordinance.

**607 EASEMENTS**

**607.01 EASEMENT STANDARDS AND REQUIREMENTS**

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

1. Easements Adjacent to Property Lines

To the fullest extent possible, easements shall be adjacent to property lines. However, such side lot line easements shall not be required where buildings such as townhouses are to be attached at side lot lines.

2. Restrictions on Easements

Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function, of the easement or conflict with the easement agreement.

3. Pedestrian Easements

Pedestrian easements shall have a minimum width of ten (10) feet.

4. Bicycle Paths or Trails

Bicycle paths or trails shall have a minimum width of not less than two (2) feet (on each side) greater than the width of the paved surface.

5. Sanitary Sewer and Water Supply Easements

Sanitary sewer and water supply easements shall have a minimum width of twenty (20) feet. In the case of a shared utility easement, sufficient area shall be provided to allow a minimum of ten (10) feet between the centerline of the utility and the edge of the right-of-way.

6. Additional Width

Additional width of easements shall be provided for additional utilities if required by the water service supplier or sanitary sewage service provider or the Board of Supervisors, based upon advice of the Township Engineer.

7. Reduction in Easement Width

The easement widths along building side lot lines may be reduced if the Township Zoning Ordinance allows a principal building setback that is less than the width of the easement that would otherwise be required.

8. Stormwater Easement

Stormwater easement shall have a minimum width of twenty (20) feet and shall be adequately designed to provide area for (a) the collection and discharge of water, (b) the maintenance, repair, and reconstruction of the drainage facilities, and (c) the passage of machinery for such work. Storm water easement shall provide the Township with the following right:

To inspect the facility at any time.

To require the private entity to take corrective measures and assign the private entity reasonable time periods for any necessary action.

Authorize maintenance to be done by the Township or an agent of the Township and the liening of the cost of the work against the properties of the private entity responsible for the maintenance.

Where the easement for electric or telephone transmission or petroleum product transmission line traverses a property, the applicant shall confer with the applicable transmission or distribution company to determine the specific location of the easement, the minimum distance which shall be required between structures and any use restrictions on the encumbered area. All applications shall include a letter from the owner of the easement stating any conditions on the use of the tract and the right-of-way width, or a copy of the recorded agreement which shall contain the above data.

9. Snow Storage Easement on Cul-de-Sacs

Snow storage easement on cul-de-sacs shall be provided in accordance with Section 603.10.5 of this Ordinance.

## 10. Emergency Access Easements

Emergency access easements when required by the Township shall have a minimum width of twenty (20) and the design shall be reviewed and approved by the Chief of the responding fire company.

### **608 SURVEY MONUMENTS AND MARKERS**

#### **608.01 MONUMENTS**

Permanent stone or concrete monuments shall be accurately placed at the intersections of right-of-way lines of the street(s) constructed by the Developer, and at all exterior corners of the parcel or tract being subdivided and/or developed. For minor subdivisions, two (2) permanent monuments shall be required, preferably at the street right-of-way. These monument requirements may be modified by the Township Engineer, if an alternate arrangement still permits a Registered Engineer or Surveyor to stake out accurately any building lot shown on the recorded plan.

An intermediate monument shall be placed wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.

#### **608.02 MONUMENT STANDARDS**

Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper or brass dowel; stone or pre-cast monuments shall be marked on the top with a proper inscription and a drill hole.

#### **608.03 MARKERS**

Markers or lot pins shall be located:

1. At the beginning and ending of curves along street and property lines.
2. At points where lot lines intersect curves either front or rear.
3. At angles in property lines of lots.
4. At all other lot corners.



608.04 MARKER STANDARDS

Markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than three-quarters (3/4) of an inch in diameter. The required length of markers may be reduced to not less than twenty-four (24) inches when underground utilities are present.

608.05 MONUMENTS AND MARKERS GENERAL

All monuments and markers shall be set flush with the finished grade.

All existing monuments and lot line markers shall be delineated on the Preliminary Plan. All existing and proposed monuments and lot line markers shall be delineated on the Final Plan.

608.06 REMOVAL

Any monuments or markers that are removed must be replaced by a Registered Engineer or Surveyor at the expense of the person removing them.

**609 STORM WATER MANAGEMENT**

All subdivision and land development plans shall conform to Chapter 26 the Newberry Township Storm Water Management Plan, as amended, and Ordinance No.229 of 1990 entitled Soil Erosion, Sedimentation and Grading Control Ordinance, as amended.

**610 STREET TREES**

610.01 Street trees shall be provided along the frontages of all new roads constructed by the Developer in the Designated Growth Area. Street trees shall conform to the following standards:

1. The trees shall be nursery grown in a climate similar to that of the locality of the project.
2. Varieties of trees shall be subject to the approval of the Township.
3. All trees shall have a normal habit of growth and shall be sound, healthy, and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
4. The trunk diameter, measured at a height of six (6) inches above finish grade, shall be a minimum of two (2) inches.

5. Trees shall be planted between the street right-of-way line and the building setback line, at a maximum spacing of fifty (50) feet.
6. Trees shall not obstruct any required clear sight triangles set forth in this Ordinance.

610.02 Acceptable Trees

Street trees listed in Section 515.2.j of the Township Zoning Ordinance shall be acceptable varieties for the purpose of this Section.

**611 SANITARY SEWAGE DISPOSAL**

611.01 PLANNING MODULE FOR LAND DEVELOPMENT

When, in accordance the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, a Sewer Facilities Plan Revision (Planning Module for Land Development), or Supplement, is required, approval from the PA DEP shall be required prior to condition of Final Plan approval.

611.02 CONSISTENCY WITH ACT 537 PLAN

The applicant shall provide the type of sanitary sewage disposal facility consistent with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.

611.03 CONNECTION PUBLIC OR COMMUNITY SANITARY SEWER SYSTEMS REQUIRED

If the project is located within the Designated Growth Area, the development shall connect to an existing public or community sanitary sewer system. Where there is no existing public or community sanitary sewer treatment system, but a system is to be installed on or within one thousand (1,000) feet of the proposed development within four (4) years, and where the proposed system is adequately bonded to the satisfaction of the Township, a complete sanitary sewage collection system must be installed and capped. In the interim, development may be provided with individual on-lot systems, provided they meet with the approval of the Township and PA DEP.

611.04 PUBLIC SANITARY SEWER SYSTEMS

Public Sanitary Sewer Systems shall be designed in accordance with the prevailing rules and regulations of the applicable sewer authority. Notification from the appropriate authority of the existing ability to provide sanitary sewer service, approval of the design plans and acceptance of Performance Guarantees shall be submitted as a condition of Final Plan approval.

611.05

ON-SITE SANITARY SEWAGE DISPOSAL FACILITIES

Where on-site sanitary sewage disposal facilities are to be utilized, each lot so served shall be tested to ensure adequate size and shape to accommodate the necessary subsurface sewage disposal system and a replacement system at a safe distance from building and water supply in accordance with Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended, and the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.

**612 WATER SUPPLY**

612.01 GENERAL

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

1. Connection Public or Community Water Supply Systems Required

If the project is located within the Designated Growth Area, the development shall connect to an existing public water supply system. At a minimum, connection to a public water system shall be provided when an available system is located within the following distances:

Water Demand*	Distance
1 EDU	200'
2 EDU	400'
3 EDU	600'
4 EDU	800'
5 - 15 EDU	1,000'

\*EDU equals 350 gallons.

Developments located in the Designated Growth Area with more than fifteen (15) EDU's and located within one (1) mile of an existing public water supply system, shall either connect to the system or provide adequate justification. Developments with more than fifteen (15) EDU's and located more than one (1) mile from an existing public water supply system, shall either connect to the system or provide their strategy for the supply of water. Each case shall be reviewed by the Township taking into consideration the density of development, costs and groundwater availability /quality.

Where a public water supply system is to be provided to the area within a four (4) year period, as indicated in a municipal water plan, official map or other official document, a municipality may require installation of a capped system.

2. Design of Public or Community Water Supply Systems

Public or community water supply systems shall be designed in accordance with the prevailing rules and regulations of the applicable water authority. Notification from the appropriate authority of the existing ability to provide water service, approval of the design plans, and acceptance of Performance Guarantees shall be submitted as a condition of Final Plan approval.

3. Fire Hydrants

Wherever public or community water supply system are proposed or will be installed in the foreseeable future, with or without Developer assistance, fire hydrants shall be provided. Fire hydrants shall meet the specifications of the Association of Fire Underwriters and the local fire company and all dwelling units shall be located within six hundred (600) feet of an active fire hydrant, or whichever distance is less. Fire hydrants shall be located at the entrance of all new developments, if existing hydrants are greater than six hundred (600) feet from the proposed entrance locations. Fire hydrants shall be located at street intersections no more than ten (10) feet from the curb. All fittings shall be in accordance with the standards of the applicable fire department. The large fitting shall face the street and be a minimum of sixteen (16) inches above the ground level.

4. Community Water Supply System

Where a public system is not accessible, particularly where on-site sanitary disposal systems are to be used, and if the water feasibility report indicates that connection to a public system is not feasible, a community water supply may be required. If such a system is provided, it shall be approved by the PA DEP, and appropriate measures shall be provided to ensure adequate maintenance.

5. On-Site Water Supply System

Where individual on-site water supply system is to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, in accordance with all applicable standards.

If water is to be provided by means other than by an individual on-site water supply system (wells that are owned and maintained by the individual lot owners), the Final Plan application shall include:

Evidence that the supplier is a certificated public utility; municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an

application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

Notice of approval of the design, installation, and possible financial guarantee from the provider of the water service.

## **613 PARK AND RECREATION RESERVATION**

613.01 All residential and non-residential subdivisions and land developments shall be provided with park and recreation land including access for non-motorized vehicles and/or pedestrians, which shall be dedicated to the Township. The developer may request that the Township not require the dedication of land, and any such request shall be accompanied by an offer to pay a fee in lieu of dedication of the land, computed in accordance with the regulations provided herein, an offer to construct recreational facilities and/or an offer to privately reserve land for park or recreation purposes.

1. The land reserved for park, recreation and open space usage shall be a single lot which shall comply with the requirements of this Ordinance relating to length to depth ratios and which shall be accessible to the public. No more than fifteen (15%) percent of the lot shall consist of floodplain, wetlands or other features that shall render the lot undevelopable. No stormwater management facilities designed to retain or detain water from other portions of the development shall be permitted on such land reserved for park, recreation and open space usage.
  - a. In the event that the tract contains natural features which are worthy of preservation, the developer may request that the Board of Supervisors permit the provision of recreational land configured in such a manner as to best preserve natural features.
  - b. The park, recreation and open space land shall be accessible to utilities such as sewer, water and power that are provided with the subdivision, and if so requested by the municipality that will accept dedication of the land, the developer shall extend such utilities to the park, recreation and open space land.
  - c. If the adjoining property has previously been developed and recreational land has been provided at the boundary of that previously developed property, the Board of Supervisors shall require that the recreational land required of the development shall be located adjoining the previously provided recreational land.
2. The minimum area of land to be reserved as park or recreational land for each residential lot created in a subdivision or each dwelling unit created in a

residential land development shall be 0.029 acres per dwelling unit or unit of occupancy.

3. The minimum area of land to be reserved as park or recreation land for each nonresidential lot created or non-residential land development shall be as specified on the Park and Recreation Land Dedication Schedule adopted by resolution of the Board of Supervisors and available at the Township office.
4. The developer may request that the Board permit the provision of park and recreation land other than through public dedication of land as set forth above. The developer shall set forth, in writing, the means by which he will fulfill this requirement which may include the payment of a fee in lieu of dedication of all or a portion of the amount of land required to be dedicated, construction of recreational facilities, the private reservation of land, or any combination of dedication, fees, construction of recreational facilities, or private reservation.
  - a. If a fee in lieu of dedication is proposed by the developer, said fee shall be the fair market value of the land required to be dedicated under Subsections (3) and (4) above.
    - (1) The developer shall provide the Board with all information necessary to determine that fair market value of the land, including but not limited to:
      - (a) A copy of the agreement of sale if the developer is an equitable owner and has purchased the land within the past two (2) years, or,
      - (b) An appraisal of the property conducted by a Member Appraisal Institute (MAI) appraiser acceptable to the Township.
    - (2) Fair market value shall be computed by dividing the total price for the tract by the number of acres within the tract and then multiplying that number by the amount of land required to be dedicated.
  - b. If the developer does not wish to conduct an appraisal to determine the fair market value of the land required to be dedicated, he shall pay a fee, as specified on the fee schedule adopted by resolution of the Board of Supervisors at the Township office.
  - c. Payment of all such fees shall be a condition of final plan approval, and no plans shall be signed by the Board until such fees are paid.
  - d. All fees shall be held and used by the Township in accordance with the requirements of Article V of the MPC.

- e. If the developer proposes to construct recreational facilities, the developer shall present a sketch plan of such facilities and an estimate of the cost of construction.
  - f. If the developer proposes the private reservation of land, the developer shall provide for the maintenance of such land through either the inclusion of such land as common elements of a condominium or the creation of a home owners' association which shall meet the requirements for a unit owners' association contained in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101 et seq.
    - (1) Such documentation shall be recorded, shall provide that the land cannot be further developed and shall give the Township the rights to maintain the land as set forth in Article VII of the MPC dealing with the maintenance of common open space in planned residential developments.
    - (2) Notwithstanding the foregoing, the developer may request that the Board approve transfer of the land to an organization dedicated to the conservation of natural resources with deed restrictions preventing further development acceptable to the Township Solicitor.
5. The developer shall enter into an agreement with the Township setting the fees to be paid, the facilities to be constructed, or the land to be privately reserved and the method of its maintenance. All such agreements shall be in a form satisfactory to the Township Solicitor.

**614 NATURAL RESOURCE CONSERVATION, OPEN SPACE AND GREENWAY DELINEATION STANDARDS**

614.01 APPLICATION

The standards for resource conservation, as set forth in this Article, shall apply to all subdivision and land developments in Newberry Township and shall not be construed to limit an individual's right to practice forestry on his or her land. The standards for Open Space and Greenway delineation shall apply to all Major Subdivision and/or Land Developments.

PLANNING AND DESIGN STANDARDS1. General Standards to Minimize Adverse Impacts

All subdivisions and/or land developments shall avoid or minimize adverse impacts on Newberry Township's natural, cultural and historic resources, as defined below.

2. Groundwater Resources

This section is intended to ensure that Newberry Township's groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of Newberry Township's surface waters.

- a. 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, through careful planning of vegetation and land disturbance activities, and the placement of streets, buildings and other impervious surfaces in locations other than those identified on the Existing Resources and Site Analysis Plan as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater .

3. Stream Channels/Valleys, Swales, Springs, and Other Lowland Areas

Stream channels and/or valleys and flood plains and other wetland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions; importance to water quality and the health of aquatic communities, and wildlife habitats. These are generally poorly suited for on-site subsurface sewage disposal systems.

- a. The site plan layout shall avoid the following:
  - 1) Disturbance to stream channels and drainage swales.
  - 2) Disturbance to year-round wetlands and areas with seasonally high water tables.
- b. Stream channels and/or valleys and other wetland areas shall be designated as Open Space and Greenway lands.
  - 1) In certain instances, seasonal high water table soils may be excluded from the Open Space where it can be demonstrated that they are



suitable for low-density residential uses and conventional on-site sewage systems.

#### 4. Woodlands

Woodlands on any tract proposed for subdivision and/or land development shall be evaluated as per Section 402.01.9.k of this Ordinance, to determine the extent to which such woodlands should be designated partly or entirely as Open Space and Greenway or development lands.

- a. In designing a subdivision and/or land development plan for any tract, the applicant shall be guided by the following standards:
  - 1) Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
  - 2) Subdivisions shall be designed to preserve woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory and canopy vegetation.
  - 3) Disturbance or removal of woodlands occupying environmentally sensitive areas shall be undertaken only when approved by the Board of Supervisors and on a limited, selective basis to minimize the adverse impacts of such actions. This shall include but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks and sloping lands.
- b. No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before the approval of the preliminary subdivision and land development plan. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on-site prior to final plan approval.

#### 5. Slopes

Steeply sloping lands (fifteen to twenty-five [15% to 24.99%] percent) and very steeply sloping lands (twenty-five [25%] percent and greater) are prone to severe erosion if disturbed. Areas of steep slope shall be preserved as described below.

- a. No site disturbance shall be allowed on slopes exceeding twenty-five (25%) percent except in conformance with Section 402.3 of the Township Zoning Ordinance.
- b. On slopes of fifteen to twenty-five (15% to 25%) percent, the only permitted grading beyond the terms described above, shall be in conjunction with the siting of a single family dwelling, its driveway and the septic system.
- c. Septic system on slopes of fifteen to twenty-five (15% to 25%) percent shall be designed with a long, narrow drainage field following the land contours.
- d. Finished slopes of all cuts and fills shall not exceed thirty-three percent (33%). Roads and driveways shall follow the line of existing topography to minimize the required cut and fill.

#### 6. Significant Natural Areas and Features

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout Newberry Township. The Statewide Natural Diversity Inventory has documented some of these, e.g., whereas for others, only their general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified by the Newberry Township Comprehensive Plan and/or Map of Primary Conservation Areas or by the applicant's Existing Resources and Site Analysis Plan (as required in Section 402.01.5 of this Ordinance) by incorporating them into proposed Open Space and Greenway areas or avoiding their disturbance in areas proposed for development.

#### 7. Trails

- a. When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, the Board of Supervisors may require the applicant to make provisions for continued recreational use of the trail.
- b. The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
  - 1) The points at which the trail enters and exits the tract remain unchanged.

- 2) The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture (e.g. Bureau of State Parks publication Non-Motorized Trails).
  - 3) The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
- c. When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten (10) feet. The language of the conservation easement shall be to the satisfaction of the Board of Supervisors upon recommendation of the Township Solicitor.
  - d. The land area permanently designated for trails for public use may be credited toward the Open Space and Greenway land requirement described in Section 522 of the Township Zoning Ordinance.
  - e. An applicant may propose and develop a new trail. If said trail is available for use by the general public and connects with an existing trail, the land area protected for said trail may be credited toward the Open Space and Greenway requirement described in Section 522 of the Township Zoning Ordinance.
  - f. Trail improvements shall demonstrate adherence to principles of quality trail design according to generally accepted principles of landscape architecture (e.g. Bureau of State Parks publication Non-Motorized Trails).
  - g. Trails shall have a vertical clearance of no less than ten (10) feet.
  - h. Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than eight (8) feet or greater than twelve (12) feet.
  - i. No trail shall be designed with the intent to accommodate motorized vehicles.

614.03

DESIGN PROCESS FOR CONSERVATION SUBDIVISIONS

1. Resource Inventory and Analysis

The tract's resources shall be delineated on an Existing Resources and Site Analysis Plan, as required in Section 402.01.5 of this Ordinance.

2. Four-Step Design Process

Following the resource inventory and analysis, all conservation subdivisions shall follow a four (4) step design process as referenced in Section 402.01.6 of this Ordinance and Section 404.3 of the Township Zoning Ordinance. Applicants shall document the design process. Steps in the Design Process include:

a. Step 1: Delineation of Open Space and Greenway Lands and Development Areas.

- 1) The minimum percentage and acreage of required greenway lands shall be calculated by the applicant and submitted as part of the Sketch Plan or Preliminary Plan in accordance with the provisions of this ordinance and of the Newberry Township Subdivision and Land Development Ordinance. Open space and greenway lands shall include all Primary Conservation Areas, including floodplains, wetlands and steep slopes (greater than 25%) and those parts of the remaining buildable lands with the highest resource significance, as described below and in Section 614 of the Newberry Township Subdivision and Land Development Ordinance.
- 2) Proposed open space and greenway lands shall be designated using the Existing Resources and Site Analysis Plan, Section 402.01.5, as a base map and complying with this Ordinance, dealing with Natural Resource Conservation and Open Space and Greenway Delineation Standards. The Newberry Township Comprehensive Plan, specifically the Natural Features Map and/or Environmental Protection Overlay Map of the Newberry Township Comprehensive Plan shall also be referenced and considered. Primary Conservation Areas shall be delineated comprising floodplains, wetlands and slopes over twenty-five (25%) percent. (The definition of Primary Conservation Areas is independent of the "density factors" applied to various categories of constrained lands to calculate Adjusted Tract Area" in Section 404.6.C.1 of the zoning ordinance.)
- 3) In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their most to least suitability for inclusion in the proposed open space and greenway lands, in consultation with the Planning Commission and in accordance with Sections 614.04.1 and Sections 614.04.2 of this Ordinance herein ("Prioritized List of Resources to be Conserved" and "Other Design Considerations").
- 4) On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjacent and neighboring properties, and the applicant's subdivision

objectives, Secondary Conservation Areas shall be delineated to meet at least the minimum area percentage requirements for open space and greenway lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.

b. Step 2: Location of House Sites.

Potential house sites shall be tentatively located, using the proposed open space and greenway lands as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites shall be located not closer than one hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

c. Step 3: Location of Infrastructure.

- 1) Upon designating the house site, a street plan shall be designed to provide vehicular access to each house, complying with the standards in Article 6 herein and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space and greenway lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding fifteen (15%) percent. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by Newberry Township and to facilitate access to and from homes in different parts of the tract (and abutting parcels).
- 2) Preferred locations for stormwater and wastewater management facilities shall be identified using the Existing Resources & Site Analysis Plan and proposed open space and greenway lands as the base maps. Opportunities to use these facilities as an additional buffer between the proposed open space and greenway lands and development areas are encouraged. These facilities should generally be designed to improve the quality of stormwater runoff and wastewater effluent with emphasis placed on achieving maximum groundwater recharge. The facilities should be located in areas identified as groundwater recharge areas as indicated on the Existing Resources & Site Analysis Plan. The design of the facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the development.

d. Step 4: Design of Lot Lines.

Upon completion of the preceding three (3) steps, lot lines are drawn as required to delineate the boundaries of individual residential lots. Applicants shall be prepared to submit four (4) separate sketch maps indicating the findings of each step of the design process, if so requested by the Township Planning Commission or the Board of Supervisors.

614.04

OPEN SPACE AND GREENWAY DESIGN REVIEW STANDARDS

1. Prioritized List of Resources to be Conserved

Open space and greenway areas shall include the following resources, as identified through the Existing Resource and Site Analysis Plan described in Section 402.01.5 of this Ordinance.

- a. Stream channels and/or valleys, floodplains, wet soils, swales, springs and other lowland areas, including adjacent buffer areas which may be required to insure their protection.
- b. Significant natural areas of species listed as endangered, threatened, or of special concern, such as those listed in the Statewide and/or York County Natural Diversity Inventory.
- c. Steep slopes (15%-24.99%) to very steep slopes (25% or greater), particularly those adjoining water courses and ponds, where disturbance and resulting soil erosion and sedimentation could be detrimental to water quality.
- d. Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
- e. Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
- f. Hedgerows, groups of trees and large individual trees of botanic significance.
- g. Class I, II and III agricultural soils as defined by the USDA/NRCS in the most recent published version of the Soil Survey for York County, Pennsylvania.
- h. Historic structures and sites.

- i. Existing trails connecting the tract to other locations in Newberry Township.

## 2. Other Design Considerations

The configuration of proposed open space and greenway lands set aside for common use in residential subdivisions shall comply with the following standards:

- a. No structures shall be permitted with the exception of historic buildings, stonewalls, and structures related to open space and greenway uses. The Board of Supervisors may grant approval of structures and improvements required for storm drainage, sewage treatment and water supply within the open space and greenway provided that such facilities would not be detrimental to the greenway.
- b. No open space and greenway area shall be smaller than three (3) acres, have a length-to-width ratio of less than 4:1, or be less than seventy-five (75) feet in width, except for such lands specifically designed as neighborhood greens, playing fields or trail links.
- c. Open space and greenway areas shall be directly accessible to a minimum of fifty (50%) percent of lots within the subdivision. Non-abutting lots shall be provided with safe and convenient pedestrian access to open space and greenway land.
- d. Open space and greenway areas shall be suitable for active recreational uses to the extent deemed necessary by the Board of Supervisors, without interfering with adjacent dwelling units, parking, driveways, and roads.
- e. The open space and greenway land shall be interconnected wherever possible to provide a continuous network of open space and greenway lands within and abutting the subdivision.
- f. Pedestrian pathways shall be provided from residences to the open space and greenway area, except in those cases where part of the open space is located within private houselots and under private ownership. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within Newberry Township. Provisions should be made for access to the open space and greenway lands, as required for land management and emergency purposes.
- g. Public or private streets shall not divide open space and greenway areas, except where necessary for proper traffic circulation.

- h. Landscaping shall be utilized to protect open space and greenway resources by retaining existing natural cover and wooded areas.
- i. Conservation easements and/or right-of-access agreements shall be made subject to such agreement with Newberry Township and shall be duly recorded in the office of the York County Recorder of Deeds as required by the Board of Supervisors for the purpose of preserving the common open space and greenway land for such uses.

3. Ownership and Maintenance

Applicants shall demonstrate compliance with open space and greenway ownership and maintenance standards in Section 522 of the Township Zoning Ordinance.

614.05 DEDICATION OF OPEN SPACE LAND FOR PUBLIC USE

The following standards shall apply to major subdivisions and/or land developments.

- 1. Applicants shall be required to set aside five (5%) percent of their gross tract acreage as undivided recreational land designated for public usage. Such land shall be suitable for active and/or passive recreation, with at least half the land suitable for active sports, where such facilities are required by the Board of Supervisors.
- 2. The applicant may propose one of the following alternatives in lieu of dedication of recreation land for public usage:
  - a. The applicant may offer an area of land limited to recreational usage by the residents of the proposed subdivision. If land is set aside in this manner for private recreational use, it shall also be permanently protected through a conservation easement enforceable by Newberry Township and/or a land trust, prohibiting future non recreational (or commercial recreational) uses.
  - b. The applicant may offer to pay a fee to Newberry Township in lieu of any recreational land set aside as per the requirements of Section 613 of this Ordinance. Situations in which it would be appropriate for Newberry Township to accept such offers include cases where the land would not provide a particular public benefit because of its small size or location. Exceptions to this rule, where public use of relatively small land areas would still be appropriate, include situations in which the land could be used to buffer or extend public parks or public school grounds, or could provide potential linkage in a future Township trail network.



- c. The decision whether to accept a fee-in-lieu offer by the applicant shall lie with the Board of Supervisors as per Section 613 of this Ordinance.
- d. In conservation subdivisions, the five (5%) percent set aside shall qualify as part of the required open space. If a fee is provided, in accordance with Section 614.05.2.b above of this Ordinance, the acreage represented by the fee shall not qualify as meeting part of the open space and greenway requirement.

614.06

RESOURCE CONSERVATION STANDARDS FOR SITE PREPARATION AND CLEANUP

Conservation practices during site preparation and clean-up shall meet the following requirements as well as requirements of Section 402.01.9.b of this Ordinance herein.

1. Protection of Vegetation from Mechanical Injury

Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, or specimen trees or other significant vegetation or site features, the Board of " Supervisors may require that the limit of disturbance be delineated and vegetation protected through installation of temporary construction fencing or another secure demarcation to be located on the dripline of tree masses or mature trees standing alone. 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

- a. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized.
- b. 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. No topsoil shall be removed from the site.

- b. Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site.
- 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 or hydroseeding on slopes exceeding ten percent.

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## LIGHTING REQUIREMENTS AND DESIGN STANDARDS

### 1. Applicability

- a. Uses that are proposed to operate during hours of darkness where there is public assembly and traverse, including but not limited to the following: multi-family residential, residential developments, commercial, industrial, recreational and institutional uses, and sign, billboard, architectural and landscape lighting applications.
- b. The Board of Supervisors may require lighting be incorporated for other uses, applications and locations or may restrict lighting in any of the above uses or applications when health, safety and welfare are issues.
- c. The glare-control requirements herein contained apply to lighting in all uses, applications and locations.

### 2. Criteria

- a. Illumination Levels - Lighting, where required by Section 502.10, or otherwise required or allowed by the Township, shall have intensities, uniformities and glare control in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA), unless otherwise directed by the Township.
- b. Lighting Fixture Design
  - 3) Fixtures shall be of a type and design appropriate to the lighting application.
  - 4) For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria. Fixtures, except those containing directional lamps, with an aggregate rated

lamp output not exceeding one thousand (1,000) lumens, e.g., the rated output of a standard non-directional sixty (60) watt incandescent lamp, are exempt from the requirements of this Section.

- 5) For the lighting of predominantly non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, fixtures shall be fully shielded and shall be installed and aimed so as to not project their output into the windows of structures on adjacent lots, past the object being illuminated, skyward or onto a public roadway. Fixtures, except those containing directional lamps, with an aggregate rated lamp output not exceeding one thousand (1,000) lumens, e.g., the rated output of a standard non-directional sixty (60) watt incandescent lamp, are exempt from the requirements of this Section.
- 6) “Barn lights,” aka “dusk-to-dawn lights,” where visible from another property, shall not be permitted unless fully shielded as viewed from that property.

c. Control of 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 an adjacent use or property.
- 2) Directional fixtures such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of structures on adjacent lots, past the object being illuminated, skyward or onto a public roadway or pedestrian way.
- 3) Parking facility and vehicular and pedestrian-way lighting (except for safety and security applications and all-night business operations), for commercial, industrial and institutional uses shall be automatically extinguished no later than one-half hour after the close of business or facility operation. When safety or security lighting is proposed for after-hours illumination, it shall not be in excess of twenty-five (25) percent of the number of fixtures or illumination level required or permitted for illumination during regular business hours.
- 4) Illumination for signs, billboards, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 11:00 p.m. and dawn, except that such lighting situated on the premises for a commercial establishment may remain illuminated while the establishment is actually open for business, and until one-half hour after closing.

- 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 illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured line-of-sight from any point on the receiving residential property.
- 7) The illumination projected from any property onto a non-residential use shall at no time exceed 1.0 footcandle, measured line-of-sight from any point on the receiving property.
- 8) Externally illuminated billboards and signs shall be lighted by fixtures mounted at the top of the billboard or sign and aimed downward. The fixtures shall be designed, fitted and aimed to shield the source from off-site view and to place the light output onto and not beyond the sign or billboard. At no point on the face of the sign or billboard and at no time shall the illumination exceed thirty (30) vertical footcandles.
- 9) Except as permitted for certain recreational lighting, fixtures not meeting IESNA full-cutoff criteria shall not be mounted in excess of sixteen (16) feet above finished grade. Fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade.
- 10) Only the United States flag and the state flag shall be permitted to be illuminated from dusk till dawn. All other flags shall not be illuminated past 11:00 p.m. Flag lighting sources shall not exceed seven thousand (7,000) lamp lumens per flagpole. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be fully shielded.
- 11) Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, 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 below the light source at all lateral angles. The average illumination in the area directly below the canopy shall not exceed twenty (20) initial footcandles and the maximum shall not exceed thirty (30) initial footcandles.

d. Installation

- 1) Electrical feeds for lighting standards shall be run underground, not overhead.

- 2) Poles supporting lighting fixtures for the illumination of parking areas and located directly behind parking spaces, or where they could be hit by snow plows, shall be placed a minimum of five (5) feet outside paved area or tire stops, or placed on concrete pedestals at least thirty (30) inches high above the pavement, or suitably protected by other municipality-approved means.
- 3) Pole mounted fixtures for lighting horizontal tasks shall be aimed straight down and poles shall be plumb.

### 3. Residential Development Fixture Placement

- a. For residential developments in the Designated Growth Area where lot sizes are or average less than 20,000 square feet, street lighting shall be provided at:
  - 1) the intersection of public roads with entrance roads to the proposed development,
  - 2) intersections involving proposed public or private collector or local roads within the proposed development,
  - 3) the apex of the curve of any collector or local road, public or private, within the proposed development, having a radius of three hundred (300) feet or less,
  - 4) cul-de-sac bulbs,
  - 5) terminal ends of center median islands having concrete structure curbing, trees and/or other fixed objects not having breakaway design for speeds of 25 m.p.h. or greater,
  - 6) defined pedestrian crossings located within the development,
  - 7) at other locations along the street as deemed necessary by the Township.
- b. Where lot sizes permit the parking of less than three (3) vehicles on the residential lot, thereby necessitating on-street parking, street lighting may be required along the length of the street.
- c. In multi-family developments, common parking areas of four (4) spaces or greater shall be illuminated.
- d. In residential developments with lots of less than twenty thousand (20,000) square feet, where five (5) or more common contiguous parking spaces are proposed, such spaces shall be illuminated.

4. Recreational Uses – The nighttime illumination of outdoor recreational facilities for such aerial sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed fixture mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the Township is satisfied that the health, safety and welfare rights of nearby property owners and the Township as a whole have been properly protected. When recreational uses are specifically permitted by the Township for operation during hours of darkness, the following requirements shall apply:

- a. Race tracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal projection of illumination, shall not be permitted to be artificially illuminated.
- b. Recreational facilities for basketball, baseball, football, soccer, miniature golf, tennis or track shall not be illuminated if located within a residential district or sited on a nonresidential property located within 1,000 feet of a property containing a residential use.
- c. Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by ten (10:00) p.m., regardless of such occurrences as extra innings or overtimes.
- d. Maximum mounting heights for recreational lighting shall be in accordance with the following:

1) Basketball .....	20'
2) Football .....	70'
3) Soccer .....	70'
4) Little League Baseball	
• 200' Radius .....	60'
• 300' Radius .....	70'
5) Miniature Golf .....	20'
6) Swimming Pool Aprons .....	20'
7) Tennis .....	20'
8) Track .....	20'

- e. To assist in determining whether lighting will be permitted, applications for illuminating recreational facilities shall be accompanied not only with the information required under Section E. below but also by a visual impact plan that contains the following:
  - 1) Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.
  - 2) Elevations containing pole and fixture mounting heights, horizontal and vertical aiming angles and fixture arrays for each pole location.
  - 3) Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5' line-of-sight.
  - 4) Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of this Ordinance.
  - 5) Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
  - 6) A narrative describing the measures proposed to achieve minimum off-site disturbance.

#### 5. Street Lighting Dedication

- a. When street lighting is to be dedicated to the Township, the applicant shall be responsible for all costs involved in the lighting of streets and street intersections until the street is accepted for dedication.
- b. Prior to dedication and in the event of the formation of a community or homeowner's association, the Township shall require said entity to enter into an agreement guaranteeing the Township payment of all costs associated with dedicated street lighting.
- c. Assumption of Costs of Dedicated Street Lighting – Upon dedication of public streets, the Township shall assess the community or homeowners' association, individual property owners, or corporations, as may be necessary to collect all revenues required that are directly or indirectly associated with all costs of each specific street lighting fixture. These costs shall include:
  - 1) Administration,
  - 2) Collection,

- 3) Pro-ration of non payables,
- 4) Actual utility electrical charges,
- 5) Maintenance and maintenance contracts for maintenance of fixtures and associated equipment.



## ARTICLE VII

### MOBILE HOME PARKS

#### **701 GENERAL**

Mobile home park plans shall be processed in accordance with Article VII. Mobile home park plans shall comply with the design standards set forth in the Newberry Township Zoning Ordinance and the following standards.

#### **702 STREETS ACCESS DRIVES AND DRIVEWAYS**

In addition to the below standards, streets, access drives, and driveways shall conform to Section 603 of this Ordinance.

702.01 The minimum radius for the cartway edge at intersections shall be fifty-five (55) feet.

702.02 Driveways to all mobile homes must access onto the interior street system of the mobile home park. Direct driveway access to an existing adjoining public street is prohibited.

#### **703 SANITARY SEWAGE DISPOSAL**

703.01 All sanitary sewage disposal systems shall conform to Section 611 of this Ordinance.

703.02 All mobile home units and service buildings shall be connected to an approved sewerage system. Individual riser pipes having a minimum inside diameter of four (4) inches shall be located on each mobile home stand and shall extend at least one (1) inch above ground level. The sewer riser pipe shall be sealed with a securely fastened plug or cap when the mobile home lot is unoccupied.

#### **704 WATER SUPPLY**

704.01 All mobile home parks shall be serviced by a community or public water supply system. Additionally, all water supply systems shall conform to Section 612 of this Ordinance.

704.02 All mobile home units and service buildings shall be connected to the water supply system. Individual water riser pipes having an inside diameter of not less

than three-fourths (3/4) inches shall be provided for each mobile home stand and shall terminate no less than four (4) inches above the ground.

704.03 Adequate provisions shall be made to protect water service lines from damage, including a shut-off valve, below the frost line for each mobile home stand.

**705 STORM WATER MANAGEMENT, FLOODPLAIN. AND WETLANDS CONTROLS**

All mobile home parks shall conform to the stormwater management, floodplain, and wetlands standards in Sections 609 and 614.02 of this Ordinance and Section 402 of the Township Zoning Ordinance.

**706 REFUSE DISPOSAL**

The storage, collection, and disposal of refuse in the mobile home park shall be so designed and managed as to create no health hazards, rodent harborage, insect-breeding areas, accident, fire, or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers.

Community refuse disposal sites shall be provided at locations which are not more than one hundred (100) feet from any mobile home space, and no less than fifty (50) feet from the mobile home park boundary. Containers shall be provided in sufficient number and capacity to properly store all refuse. Community refuse disposal sites shall be screened or fenced.

Racks or holders shall be provided for all refuse containers. Such containers shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning around them.

All refuse shall be collected at least once weekly and comply with current recycling requirements. Where suitable collection service is not available, the mobile home park operator shall provide this service. All refuse shall be collected and transported in enclosed vehicles or containers.

**707 EXTERIOR LIGHTING**

Lighting shall be provided in accordance with Section 615 of the Ordinance.

**708 LANDSCAPING**

Landscaping, screening and buffering shall be provided in accordance with Section 514-516 of the Township Zoning Ordinance.

**709 SERVICE AND ACCESSORY BUILDINGS**

- 709.01 All service and accessory buildings, including management offices, storage areas, laundry buildings, and indoor recreation areas shall be adequately constructed, ventilated, and maintained so as to prevent decay, corrosion, termites, and other destructive elements from causing deterioration.
- 709.02 Every mobile home park shall have a structure designed for and clearly identified as the office of the mobile home park manager.
- 709.03 Occupants of each mobile home lot shall be provided with at least one hundred fifty (150) cubic feet of enclosed storage space which is exclusive of the floor area devoted to living space. Storage facilities shall, when possible, be provided in common storage areas located no greater than one hundred (100) feet from the dwelling unit. Storage facilities shall not intrude into any required yard or setback area and shall substantially conform in style, quality, and color to the adjacent mobile home. The type of storage facility shall be approved by the Township.
- 709.04 Service and accessory buildings shall be used only by the occupants of the mobile home.

**710 FIRE PROTECTION**

- 710.01 The mobile home park area shall be kept free of litter, rubbish, and other flammable materials.
- 710.02 Portable hand-operated fire extinguishers of a type suitable for use on oil and electrical fires, and approved by the appropriate fire company, shall be kept in each community building under park control, and shall be required by the mobile home park operator to be placed in each mobile home in a fixed location, preferably near a door, but not in close proximity to cooking facilities.
- 710.03 Mobile home parks shall be provided with fire hydrants or acceptable alternatives for fire protection as recommended by the local fire company and Township Engineer. Where fire hydrants are provided, they shall meet the specifications of Section 612.01.3 of this Ordinance.
- 710.04 All mobile home parks shall be operated so as to comply with all State and local laws, ordinances, and regulations pertaining to fire prevention.
- 710.05 The mobile home park manager shall consult periodically with the appropriate fire company or authorities as to proper fire prevention practice, accessibility of streets, testing of fire hydrant pressure, location and operation of equipment, community education programs, etc.

**711 ELECTRICAL DISTRIBUTION**

The mobile home park shall contain an electrical wiring system which shall be installed and maintained in accordance with the utility company's specifications and the National Electrical Code.

Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and mobile home, service building, or other structure.

All buried conductors or cables shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located no less than one (1) foot radial distance from water, sanitary/storm sewer, gas, or communication lines.

Each mobile home shall be provided with an approved disconnecting service and weatherproof overcurrent protective equipment. Individual mobile home spaces shall be provided with a polarized-type receptacle with a ground conductor. All exposed non-current-carrying metal parts of mobile homes, other structures, and equipment shall be grounded by means of an approved grounding conductor. The neutral conductor shall not be used as an equipment ground for mobile homes, other structures, and equipment.

Temporary electrical connections are prohibited.

**712 MAINTENANCE**

The landowner of a mobile home park shall be responsible for the proper repair and maintenance of all facilities, including, but not limited to, roads, parking areas, sidewalks or pathways, improved and unimproved areas, water supply, sewage disposal, skirting, storage buildings, and community buildings.

**713 EASEMENTS**

Easements located within a mobile home park shall conform to the standards of Section 607 of this Ordinance.

**714 SURVEY MONUMENTS AND MARKERS.**

All mobile home park plans shall conform to the standards of Section 608 of this Ordinance.

## ARTICLE VIII

### ADMINISTRATION

#### **801 GENERAL**

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

#### **802 AMENDMENT**

802.01 The regulations set forth in this Ordinance may, from time to time, be amended by the Board of Supervisors, following the procedures of the MPC, including a public hearing advertised pursuant to public notice.

802.02 Reviews. The Township shall submit each proposed amendment (other than an amendment prepared by or under the direction of the Planning Commission) to the:

1. Township Planning Commission; and
2. York County Planning Commission

for review and recommendations at least thirty (30) days prior to the date set for the public hearing on such amendment .

#### **803 CHALLENGES AND APPEALS**

The decision of the Board of Supervisors may be appealed, as provided for in the MPC.

#### **804 PENALTIES FOR VIOLATIONS**

In addition to other remedies, 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.

The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. The authority to deny such a permit or approval shall apply to any of the following:

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.

## **805 RECORDS**

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

## **806 LIABILITY**

Neither the approval nor the granting of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, zoning permit, erosion review, storm water runoff review, wetland delineation or wetland review, steep slope review or any other review or permit of this Ordinance, involving any land governed by the provisions of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township or its employees, consultants, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon, nor a cause of action against any Township body, consultant, official or employee for any damage that may result pursuant thereto.

**807        VALIDITY AND SEVERABILITY**

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

**808        CONFLICTS AND REPEALER**

Whenever there is a difference between the minimum applicable standard specified herein and those included in other applicable regulations, the more stringent requirement shall apply. Chapter 22 of the Newberry Township Code of Ordinances, said ordinance being known as the Newberry Township Subdivision and Land Development Ordinance, is hereby amended; provided however, that the amendment shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceeding at law or in equity, including criminal proceedings, pertaining to any act done which would have constituted a violation of the previous Newberry Township Subdivision and Land Development Ordinance, its applicable predecessor ordinances and regulations, and all provisions of said repealed ordinances shall remain in full effect and force, and not repealed hereby, as they pertain to said acts.

**809        ADOPTION AND EFFECTIVE DATE**

This Ordinance shall become immediately effective upon its enactment by the Board of Supervisors of Newberry Township. This Ordinance is duly ordained and enacted this 25<sup>th</sup> day of July, 2006, by the Board of Supervisors of Newberry Township, York County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS OF NEWBERRY TOWNSHIP

By:

\_\_\_\_\_ Chairman

\_\_\_\_\_ Vice-Chairman

\_\_\_\_\_ Member

\_\_\_\_\_ Member

\_\_\_\_\_ Member

ATTEST:

---

Secretary

(SEAL)



# **APPENDICES**

APPENDIX NO. 1

**STATEMENT OF ACCURACY**

SURVEY DATA

I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct to the accuracy required by the Newberry Township Subdivision and Land Development Ordinance (error of closure no greater than one foot in ten thousand feet).

\_\_\_\_\_, 20\_\_\_\_ \* \_\_\_\_\_

\*Signature and seal of the registered land surveyor responsible for the preparation of the plan.

GENERAL PLAN/REPORT DATA

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

\_\_\_\_\_, 20\_\_\_\_ \*\* \_\_\_\_\_

\*Title of Plan/Report Data

\*\* Signature and seal of the registered professional responsible for preparation of the data.

(See Sections 402.01.3 and 403.01.2)

APPENDIX NO. 2.A

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

INDIVIDUAL

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF YORK

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

\*\* \_\_\_\_\_

\*\*\* \_\_\_\_\_

My Commission Expires \_\_\_\_\_, 20\_\_\_\_.

\*Identity Ownership or Equitable Ownership

\*\*Signature of the Individual

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

(See Section 403.01.2)

APPENDIX NO. 2.B

**CO-PARTNERSHIP**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF YORK

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

\*\* \_\_\_\_\_

\*\*\* \_\_\_\_\_

My Commission Expires \_\_\_\_\_, 20\_\_\_\_\_.

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

APPENDIX NO. 2.C

**CORPORATE**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF YORK

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

\*\*\*\*\* \_\_\_\_\_

Corporate Seal

\*\*\*\*\* \_\_\_\_\_

My Commission Expires \_\_\_\_\_, 20\_\_\_\_.

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

APPENDIX NO. 3

**TOWNSHIP PLANNING COMMISSION REVIEW STATEMENT**

At a meeting on \_\_\_\_\_, 20\_\_\_\_, the Newberry Township Planning Commission reviewed this plan.

\* \_\_\_\_\_  
\_\_\_\_\_

\*Signatures of two members of the Planning Commission

**RECORDER OF DEEDS CERTIFICATE**

Recorded in the Office for Recording of Deeds, in and for York County, Pennsylvania, in Plan Book \_\_\_\_\_, page \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(See Sections 306.07, 307.08, 402.01.3 and 403.01.2)

APPENDIX NO. 4

**PRELIMINARY PLAN APPROVAL STATEMENT**

At a meeting on \_\_\_\_\_, 20 \_\_\_\_, the Board of Supervisors of the Township of Newberry granted PRELIMINARY PLAN APPROVAL of this project, including the complete set of plans marked sheet(s) \_\_\_\_\_ through \_\_\_\_\_ which form a part of the application dated \_\_\_\_\_, last revised \_\_\_\_\_. This plan may not be recorded in the office of the York County Recorder of Deeds, not may any construction be initiated but when combined with the other necessary approvals and permits, grants the authority to install only the public improvements required as part of the plan.

\* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Signature of the members of the Board of Supervisors

**TOWNSHIP ENGINEER REVIEW STATEMENT**

Reviewed by the Newberry Township Engineer.

\_\_\_\_\_  
Township Engineer

\_\_\_\_\_  
Date

(See Sections 306.07, 307.08, 402.01.3 and 403.01.2)

APPENDIX NO. 5

**FINAL PLAN APPROVAL STATEMENT**

At a meeting on \_\_\_\_\_, 20 \_\_\_\_, the Board of Supervisors of the Township of Newberry approved this project, and all conditions of approval have been met. This approval includes the complete set of plans and information which are filed with the Township, based upon its conformity with the standards of the Newberry Township Subdivision and Land Development Ordinance.

\* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Signature of the members of the Board of Supervisors

**TOWNSHIP ENGINEER REVIEW STATEMENT**

Reviewed by the Newberry Township Engineer.

\_\_\_\_\_  
Township Engineer

\_\_\_\_\_  
Date

(See Sections 307.09 and 403.01.2)



APPENDIX NO. 6

NEWBERRY TOWNSHIP

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

File No. \_\_\_\_\_

Date of Receipt/Filing: \_\_\_\_\_  
(For Township Use Only)

The undersigned hereby applies for approval under the Newberry Township Subdivision and Land Development Ordinance for the Plan, submitted herewith and described below:

1. Plan Name: \_\_\_\_\_

Plan No: \_\_\_\_\_ Plan Date: \_\_\_\_\_

2. Project Location: \_\_\_\_\_  
\_\_\_\_\_

3. Name of Property Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_ Phone No. \_\_\_\_\_

4. Land Use and Number of Lots and/or Units (indicate answer by number of lots or units):

_____ Single Family (Detached)	_____ Commercial
_____ Multi-Family (Attached-Sale)	_____ Industrial
_____ Multi-Family (Attached-Rental)	_____ Institutional
_____ Mobile Home Park	_____ Other (please specify)
	_____

5. Total Acreage: \_\_\_\_\_

6. Application Classification:

_____ Sketch Plan	_____ Minor Preliminary Plan
_____ Preliminary Plan	_____ Revised Plan
_____ Final Plan	_____ Lot Add-On Plan

7. Name of Applicant (if other than Owner): \_\_\_\_\_

Address: \_\_\_\_\_ Phone No. \_\_\_\_\_

8. Firm Which Prepared Plan: \_\_\_\_\_

Address: \_\_\_\_\_ Phone No. \_\_\_\_\_

Person Responsible for Plan: \_\_\_\_\_

9. If a Zoning Variance, Special Exception and/or Conditional Use Approval Necessary?

\_\_\_\_\_ If yes, please specify:

\_\_\_\_\_

10. Type of Water Supply Proposed: \_\_\_\_\_ Public

\_\_\_\_\_ Semi-Private

*Please indicate if a capped system is proposed.* \_\_\_\_\_ Individual

11. Type of Sanitary Sewage Disposal Proposed: \_\_\_\_\_ Public

\_\_\_\_\_ Semi-Private

*Please indicate if a capped system is proposed.* \_\_\_\_\_ Individual

12. Lineal Feet of New Street \_\_\_\_\_

Identify All Street(s) Not Proposed for Dedication \_\_\_\_\_

\_\_\_\_\_

13. Sewer Facilities Plan Revision or Supplement Number \_\_\_\_\_ and Date Submitted

\_\_\_\_\_

14. Amount and type of Open Space and/or Greenway Land Proposed

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Landowner or Applicant

(See Sections 306, 306.02, 307, 307.04, 309.01, 401, 402.01.3 and 403.01.2)

APPENDIX NO. 7

NEWBERRY TOWNSHIP

**APPLICATION FOR CONSIDERATION OF A WAIVER**

File No. \_\_\_\_\_

Date of Receipt/Filing: \_\_\_\_\_  
(For Township Use Only)

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

1. Name of Project: \_\_\_\_\_
2. Project Location: \_\_\_\_\_  
\_\_\_\_\_
3. Name of Property Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_
4. Name of Applicant (if other than owner): \_\_\_\_\_  
Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_
5. Specify Section(s) of the Newberry Township Subdivision and Land Development Ordinance for which a Waiver is requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. The Proposed Alternative to the Requirement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Justification for the Waiver: \_\_\_\_\_

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8. Identification of Plans, Reports, or Supplementary Data, which are part of the Application.

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

(See Section 308.01)

APPENDIX NO. 8

**MEMORANDUM OF UNDERSTANDING**

**Installation of Public Improvements**  
**As a Condition Precedent to Final Plan Approval**

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

Newberry Township, hereinafter called "Township:  
and  
\_\_\_\_\_, hereinafter called "Owner"

**RECITALS**

WHEREAS, \_\_\_\_\_ is the owner of property situated at \_\_\_\_\_.

WHEREAS, the Owner has submitted to the Township a final plan and application for a project known as \_\_\_\_\_.

WHEREAS, the Township has required, and the Owner has agreed, that as a condition precedent to final plan approval, certain public improvements will be completed by the Owner, as provided in Article V of the Newberry Township Subdivision and Land Development Ordinance of 2006, as amended.

WHEREAS, the Township and the Owner desire to set forth their understanding concerning the Owner's agreement and responsibility to install the public improvements and pay the Township costs involved in processing, inspecting, and reviewing public improvements.

NOW, THEREFORE, intending to be legally bound hereby, the Township and the Owner agree as follows:

1. The Owner, at their expense, shall proceed to perform and complete only the following public improvements which shall not exceed a total estimated value of one hundred thousand dollars (\$100,000). Said improvements shall conform to the final plan.

***(Include an itemized list of improvements.)***

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The Owner shall construct the above public improvements in accordance with the following work schedule:

***(Include beginning and ending dates for all improvements.)***

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The Owner shall provide the Township with a minimum of four (4) working days' notice of any intent to construct public improvements.
4. The Owner shall provide the Township with a maintenance guarantee in accordance with Section 505 of the Subdivision and Land Development Ordinance, in conjunction with this Memorandum.
5. The Owner agrees to reimburse the Township for engineering and legal services necessitated by the review of the Owner's documents and inspection of all required public improvements at the prevailing rate, plus associated itemized expenses, where applicable. It is further agreed that payment will be made within ten (10) days after date of invoice and prior to final approval of the Owner's plan.
6. The Owner assumes all responsibility for damage to other property. The Owner shall maintain public liability insurance with a value of two million dollars (\$2,000,000) until all improvements are approved by the Township. Evidence of said insurance shall be provided to the Township, in conjunction with this Memorandum.
7. The Owner agrees to hold harmless the Township from liability arising from activity on the property.
8. In the event that any improvements have not been installed as provided by the plan and this agreement, or any other failure of the Owner, the Board of Supervisors are granted the authority to take all actions necessary to obtain monies from the Owner, including, but not limited to, seizure of land and/or other appropriate legal or equitable action to recover the money necessary to complete the remainder of the improvements and/or stabilize the property.
9. The terms of this agreement are binding upon the heirs and assigns of the subject property, and shall remain in effect until said improvements are installed and approved, or a suitable improvement guarantee is accepted by the Township.

IN WITNESS WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**NEWBERRY TOWNSHIP  
BOARD OF SUPERVISORS**

Owner

	Supervisor
	Supervisor
	Supervisor
	Supervisor
	Supervisor

(NOTARY SEAL)

(Sections 306.06, 402.01.3.1 and 503)

**APPENDIX NO. 9**

**MEMORANDUM OF UNDERSTANDING**

**Financial Security**

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

Newberry Township, hereinafter called "Township"  
and

\_\_\_\_\_, hereinafter called "Developer"

**RECITALS**

WHEREAS, Developer has submitted to the Township a plan and application for a Subdivision or Land Development Plan located in \_\_\_\_\_, which is known and designated as \_\_\_\_\_; and,

WHEREAS, Township has required and Developer has agreed that as a condition precedent to Final Plan approval of the Subdivision or Land Development Plan, the construction of all public improvements shall be assured by financial security, as required in Article V of the Newberry Township Subdivision and Land Development Ordinance of 2005, as amended.

WHEREAS, Township and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to install the public improvements, provide a financial security, and pay the costs involved in inspecting and approving Developer's Subdivision or Land Development Plan.

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

1. The Developer, at their own cost and expense, shall proceed to perform and complete all public improvements required by the Developer's Subdivision or Land Development Plan, subject to the approval of the plans and specifications by the Township.
2. To assure completion of the public improvements required as a condition for the final approval of the Developer's Subdivision and Land Development Plan, the Developer shall provide for deposit with the Township, financial security, consistent with Article V of the Newberry Township Subdivision and Land Development Ordinance, in an amount sufficient to cover the costs of all public improvements, including, but not limited to, streets, street signs, sidewalks, curbs, landscaping, storm drainage for dedication or which affect adjacent properties or streets, sanitary sewer facilities for dedication, water supply facilities for dedication, fire hydrants, lot line markers, survey monuments, and other related facilities. Such security shall provide for, and secure the completion of the public improvements within one (1) year of the date fixed in the subdivision or development plan. The amount of financial security shall be equal to one hundred ten percent (110%) of the cost of the required public improvements for which financial security is posted. The cost of the public improvements shall be established by submission to the Township

of an estimate prepared by the Developer's engineer, subject to review, comment, and approval by the Township or its designees.

3. The Township, or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all public improvements.
4. Upon completion of the public improvements, the Developer shall give notice to the Township and its designee, in writing, to inspect the public improvements. The Township or its designee shall inspect the public improvements within ten (10) days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan and acceptable engineering practices. If the Township or its designee disapproves, they shall notify the Developer promptly.
5. Developer agrees to reimburse the Township or its designee for engineering services necessitated by the review and inspection of all required public improvements and all associated expenses at the prevailing rate of \$\_\_\_\_\_ per hour, plus associated itemized expenses, where applicable. It is agreed that engineering services shall be payable by Developer within ten (10) days after date of invoice and prior to release of financial security.
6. Where applicable, Developer agrees to reimburse the Township for solicitor services necessitated by the review and approval of the Developer's plan, and necessitated by the review of all required. financial security and other agreements. It is agreed the solicitor's services shall be payable within ten (10) days after date of invoice and prior to release of financial security.

IN WITNESS WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NEWBERRY TOWNSHIP  
BOARD OF SUPERVISORS

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

DEVELOPER:

\_\_\_\_\_  
(Sections 403.01.2.n and 502.01)

(NOTARY SEAL)