



SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

MAY, 2008

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SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

An Ordinance setting forth procedures, requirements, and standards regulating subdivision and land development within the Township of Hopewell, York County, Pennsylvania, pursuant to the authority granted in the Pennsylvania Municipalities Planning Code (Act 247) as enacted and amended.

Be it Ordained by the Hopewell Township Board of Supervisors, York County, Pennsylvania as follows:

ARTICLE I

SHORT TITLE, PURPOSE, AUTHORITY AND JURISDICTION

SECTION 101 SHORT TITLE

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

SECTION 102 PURPOSE

The purpose of these Subdivision and Land Development regulations is to provide for the harmonious development of the Township by:

- Assisting in the orderly and efficient integration of land developments within the Township.
- Ensuring conformance of land development plans with public improvement plans.
- Ensuring coordination of inter-municipal public improvement plans and programs.
- Securing the protection of water resources and drainageways.
- Facilitating the efficient movement of traffic.
- Securing equitable handling of all land development plans by providing uniform standards and procedures.
- In general promoting greater health, safety, morals and welfare of the citizens of the Township.
- Securing adequate sites for recreation, conservation, scenic and other open space purposes.

SECTION 103 AUTHORITY AND JURISDICTION

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

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

- a) Approval by the Board of Supervisors - The Hopewell Township Board of Supervisors, hereinafter referred to as the Board of Supervisors, shall be vested with the authority to approve or disapprove all subdivision and land development plans.
- b) Review by the Township Planning Commission - The Hopewell Township Planning Commission, hereinafter referred to as the Planning Commission, shall be vested with the review of subdivision and land development plans.
- c) Review by the County Planning Commission - Plans for subdivision and land development located within Hopewell Township shall be submitted to the York County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township. However, if a report is not received from the County Planning Commission within thirty (30) days after submission, the Township may proceed without the report.

SECTION 104 VIOLATION

It shall be a violation of this Ordinance for any person, partnership or corporation to subdivide any land in Hopewell Township or to create any land development in Hopewell Township without first having a final plan approved in accordance with the provision of this Ordinance. It shall also be a violation of this Ordinance for any person, partnership or corporation to lay out, construct, open or dedicate for public use or travel or for the common use of occupants of buildings abutting thereon any street, sanitary sewer, storm sewer, water main or other improvement in connection therewith except in accordance with this Ordinance.

ARTICLE II

DEFINITIONS

SECTION 201 INTENT

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning given herein:

SECTION 202 GENERAL USAGE

- a) Words used in the present tense imply the future tense.
- b) Words used in the singular imply the plural.
- c) The word "person," includes a partnership or corporation as well as an individual.
- d) The word "shall" is to be interpreted as mandatory; the word "may" as directory and complied with unless waived.

SECTION 203 SPECIFIC WORDS AND PHRASES

AGENT - Any person, other than the developer, who, acting for the developer, submits to the Planning Commission and Board of Supervisors subdivision or land development plans for the purpose of obtaining approval thereof.

AGRICULTURAL PURPOSES - The use of land for farming, dairying pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce and equipment and for housing and feeding the animals and housing the equipment. The use of land as a place for the location of a dwelling is not an agricultural use.

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 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 or zoning permit, for the approval of a subdivision plot or plan or for the approval of a land development plan.

BLOCK - An area bounded by streets.

BOARD OF SUPERVISORS - The Hopewell Township Board of Supervisors.

CARTWAY - The portion of a street or alley right-of-way which is improved, designated or intended for vehicular traffic.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

COMPREHENSIVE PLAN - The plan, or parts thereof, which have been adopted by the Board of Supervisors, showing its recommendations for such systems as: land uses, parks and recreation facilities, water supply, sewerage and sewage disposal, garbage disposal, transportation highways, civic centers and other public improvements which affect the development of the Township.

CORNER LOT - A lot abutting upon two (2) streets at their intersection.

COST OF IMPROVEMENTS - The amount which the Township Engineer estimates that the Township would be required to expend in order to complete the required improvements proposed by a subdivider or land developer in a subdivision or land development plan, in the event the subdivider or land developer fails to complete such improvements within the time set forth in the subdivision or land development plan or otherwise agreed upon, which estimate shall take into consideration anticipated inflation in construction costs, bid preparation costs, and other costs which the Township will incur in the event it is required to complete the proposed improvements.

CROSSWALK - A right-of-way, municipally or privately owned, at least five (5) feet wide, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

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.

DEVELOPER - Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made land development.

DOUBLE FRONTAGE LOT - A lot fronting on two (2) streets other than a corner lot.

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

DRIVEWAY - A minor vehicular surface other than a street providing access from a street or private road to a lot.

DWELLING UNIT - Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

EASEMENT - A right-of-way for a limited purpose; a space within which no structure may be built.

EASEMENT OF ACCESS - Is defined to include any driveway or other entrance from a public or private road. A field road providing access to agriculturally used fields and not providing access to any residential, commercial or industrial structure is not considered an easement of access.

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

FLOOD PLAIN OR FLOODWAY AREA - That area along a natural watercourse which is periodically overflowed by water therefrom and defined by the U. S Geologic survey and alluvial soils as established by the Soil Conservation Service.

FRONTAGE - The horizontal or curvilinear distance along the street line upon which a lot abuts.

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

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

GUTTER - That portion of a right-of-way carrying surface drainage.

IMPROVEMENTS - Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs and plantings, and other items required for the welfare of the property owners and the public.

LAND DEVELOPMENT - Any of the following activities:

- a) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenants; or
 - 2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the

purpose of streets, common areas, leaseholds, condominiums, building groups or other features;

3) A subdivision of land.

b) Land development shall not include:

- 1) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
- 2) The addition of an accessory building not to be used exclusively in connection with the agricultural use of the property containing less than one thousand (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.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LOCATION MAP - A map showing the site with relation to adjoining areas.

LOT - A plat or parcel of land which is, or in the future, may be offered for sale, lease conveyance, transfer or improvement as one unit, regardless of the method or methods in which title was acquired. It may be vacant, devoted to a certain use, occupied by a structure or occupied by a group of structures that are united by a common interest or use.

LOT AREA - The area contained within the property lines of individual lots of land, including any area within a street right-of-way and including the area of any easement.

LOT WIDTH - The width of a lot measured parallel to and, in the Agricultural Conservation, Residential, and Residential II zones, thirty-five (35) feet distant from, and in the Industrial and Commercial zones fifty (50) feet distant from the right-of-way line of a road or street currently maintained by Hopewell Township or by the Commonwealth of Pennsylvania, or the right-of-way line of a private road designed and improved in accordance with the provisions of Sections 504 through 507, 602 and 603 of this Ordinance or by the right-of-way line of a private road not so improved excepting that a tract or lot may not have its lot width measured by reference to such unimproved road or street, if such unimproved road or street is utilized by or provides access to any other lot or tract or to the improvements thereon located.

MOBILEHOME - A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined

into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it can be used without a permanent foundation.

MOBILEHOME LOT - A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome, which is leased by the park owner to the occupants of the mobilehome erected on the lot.

MOBILEHOME PARK - A parcel of land, under single ownership which has been planned and improved for the placement of mobilehomes for nontransient use, consisting of two (2) or more mobilehome lots.

MULTIPLE DWELLING BUILDING - A building providing separate living quarters for three or more families.

OWNER - The owner of record of a parcel of land.

PERFORMANCE BOND - An agreement by and between a contractor and a bonding company in favor of the developer and the Board of Supervisors guaranteeing the completion of physical improvements.

PLAN - The map of a land development, whether sketch, preliminary or final.

- a) Plan, Sketch - An informal land development plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed land development for discussion purposes only and not to be presented for approval.
- b) Plan, Preliminary - A tentative land development plan, in lesser detail than a Final Plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a Final plan.
- c) Plan, Final - A complete and exact land development plan, prepared as for official recording, to define property rights and proposed streets and other improvements.

PLANNING COMMISSION - Hopewell Township Planning Commission.

PUBLIC GROUNDS - Includes (1) parks, playgrounds and other public areas; and (2) sites for school, sewage treatment, refuse disposal and other public owned or operated facilities.

PUBLIC SEWER - A municipal sanitary sewer system approved and permitted by the Pennsylvania Department of Environmental Protection.

PUBLIC WATER - A municipal water supply system or a comparable common water supply system approved and permitted by the Pennsylvania Department of Environmental Protection.

RESUBDIVISION - Any land development which has been approved by the Township which changes, or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.

REVERSE FRONTAGE LOT - A lot extending between and having frontage on a major street and a minor street with vehicular access solely from the latter.

RIGHT-OF-WAY - Land opened for use as a street, alley or crosswalk.

SETBACK - The required horizontal distance between a setback line and a property or street line.

- a) Setback, Front - The distance between the street line and the front setback line projected the full width of the lot.
- b) Setback, Rear - The distance between the rear lot line and the rear setback line projected the full width of the lot.
- c) Setback, Side - The distance between the side lot line and the side setback line projected from the front yard to rear yard.

SETBACK LINE - A line within a property and parallel to a property or street line which delineates the required minimum distance that must be provided between a structure or building and an adjacent street line and/or property line.

STREET - Street includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified as follows:

- a) Arterial Street - A street or road which is used primarily for fast or heavy traffic including all roads designated as Federal-aid highways by the Pennsylvania Department of Transportation.
- b) Collector Street - A street which carries traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets within such a development.
- c) Half or Partial Street - A street parallel and adjacent to a property line having a lesser right-of-way width than required for a satisfactory improvement and use of the street.
- d) Marginal Access Street - Minor streets parallel and adjacent to major traffic streets providing access to abutting properties and control of intersections with the major traffic street.
- e) Minor Street - A street which is used primarily for access to the abutting properties.

f) Service Street or Alley - A minor street which is used primarily for vehicles' service access to the back or the side of properties otherwise abutting a street.

STREET GRADE - The officially established grade of the street upon which a lot fronts or in its absence the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "street right-of-way line."

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

TRACT - All contiguous land owned by the same landowner and all land owned by the same land owner which is contiguous except for the presence of public or private roads and/or the presence of lots or parcels adversed from the original tract since December 8, 1967.

UNDEVELOPED LAND - Land in parcels sufficiently large for future land development which is presently in agriculture, woodland or lying fallow.

ARTICLE III

PROCEDURE

SECTION 301 PREAPPLICATION CONSULTATION

Copies of this Ordinance shall be available at reasonable charge on request for the use of any person who desires information concerning subdivision and land development standards and procedures in effect within Hopewell Township. Any prospective developer may request a meeting with the Planning Commission to discuss and review tentative plans and discuss the applicability of the provisions of this Ordinance.

SECTION 302 SKETCH PLANS

Where a land development plan includes improvements, the developer may submit a Sketch Plan to the Planning Commission in accordance with the provisions of Section 401.

Such Sketch Plan will be considered as submitted for informal review and discussion and shall not constitute formal filing of the plan with the Township.

As far as may be practical on the basis of the Sketch Plan review and discussion, the Township will informally advise the developer as promptly as possible of the extent to which the proposed land development conforms to the Design Standards of these regulations (Article V) and will discuss possible Plan modifications necessary to secure conformance.

SECTION 303 SUBMISSION OF PLANS

Applications for approval of Preliminary and Final Plans for all proposed land developments lying within the Township shall be submitted to the Township Secretary or the Board of Supervisors at a regularly scheduled meeting. Such submission of Plans shall be accompanied by a fee as specified in Section 804.

The initial Plan filed with the Board of Supervisors shall be considered as a Preliminary Plan. However, in the event that an initial land development is five (5) lots or less and involving no new streets or other public improvements, the developer may proceed directly to Final Plan preparation in compliance with the requirements of Section 404. This plan shall combine the requirements for a final plan and those for a preliminary plan and shall include all of the information required by Sections 402 and 404 of this Ordinance including the required Feasibility Study on sewer facilities and a drawing of all present and proposed grades and facilities for storm water drainage. The processing of a minor land development shall be consistent with the procedures for processing a Final Plan as required in this Article.

The developer shall submit the Preliminary and Final Plans drawn on linen or mylar material along with ten (10) copies, blue or black line paper prints, as well as two (2) copies of the required supporting data.

SECTION 304 REFERRAL OF PLANS

The Township Secretary or other official designated by the Board of Supervisors, shall forward copies of all Plans to the entities listed below, and shall inform each of them that the Plan has been received by the Township, and will be considered by the Township at its meeting of a specified date. The Township shall retain the exclusive right to submit such plans to the entities set forth below, and any submissions to any of those entities by anyone other than a duly authorized representative of the Township shall be considered a nullity, and the Board of Supervisors shall only consider comments that are obtained as a result of a proper submission as set forth herein. The submissions required herein from the Township shall be as follows:

Once submitted pursuant to Section 303, all Plans, whether Preliminary or Final, shall be forwarded by the Township Secretary to the Planning Commission for review and recommendation.

- One (1) copy shall be transmitted to the York County Planning Commission as required by Section 103 of this Ordinance.
- One (1) copy may be transmitted to all affected public utilities who shall be requested to make recommendations as to the suitability of installing underground telephone and electric lines.
- One (1) copy may be transmitted to the Township Engineer for review of Engineering requirements.
- Two (2) copies (or the required number of copies, if more) to the Pennsylvania Department of Environmental Protection with the required sewage planning module.
- One (1) copy may be transmitted to the Codes Enforcement and/or Zoning Officer.

SECTION 305 REVIEW OF PLANS

All Plans, whether Preliminary or Final, shall be reviewed by the Township with reference to the following:

- The standards and requirements of this Ordinance.
- Any proposals contained in the Township Comprehensive Plan.
- Site suitability for the particular type of development proposed.

- The availability for necessary services and facilities.
- The requirements of the Township Zoning Ordinance.
- The Official Map of Hopewell Township.
- The improvements, design and dedications or reservation required by this Ordinance.
- Any State Highway, either existing or proposed by the Pennsylvania Department of Transportation.

In addition, comments and recommendations from the following persons or agencies shall be given consideration:

- Planning Commission.
- Township Engineer.
- York County Planning Commission.
- Pennsylvania Department of Environmental Protection.
- York County Conservation District.
- Pennsylvania Department of Transportation.
- Affected Public Utilities.
- Any interested citizens.

SECTION 306 PUBLIC HEARINGS

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

SECTION 307 APPROVAL OF PLANS

At a scheduled public meeting, the Board of Supervisors shall render its decision on the Plan, whether Preliminary or Final, not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed or after final order of court remanding an application; provided, however, that should the next regular meeting of the Planning Commission occur more than thirty (30) days following the filing of the application or the final order of the Court, then the ninety-(90) day period shall be measured from the thirtieth (30th) day following the day the application was filed.

Final Plan approval shall not be granted until such improvements as required by this Ordinance and shown on such Final Plan have been completed or guarantee posted as required in Article VI.

The decision of the Board of Supervisors concerning Plan approval, whether Preliminary or Final, 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 by the Township Board of Supervisors subject to modifications or conditions, the applicant shall approve or reject such modifications or conditions within five (5) days of receiving notice of such modifications or conditions either personally or in writing. For purposes of this paragraph, notice to an individual presenting the plan on behalf of the applicant whether such individual be the applicant himself, a relative of the applicant, an officer of the applicant, an attorney, a surveyor, an engineer or otherwise, shall be notice to the applicant and such person presenting the plan on behalf of the applicant shall be deemed to have authority to, on behalf of the applicant, accept or reject such modifications or conditions. The failure to accept or reject such modifications or conditions within the five (5) day period shall be considered to be a rejection of the same and the conditional approval by the Township Board of Supervisors shall be revoked and the applicant shall be notified in writing within ten (10) days following the expiration of the five (5) day period of the plan rejection.

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

All approvals of final plans, and of any preliminary plans which are to be recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania, shall be conditional approvals. In addition to any other conditions of approval, such approval shall be conditioned on the developer obtaining the uniform parcel identifier number for each lot to be created by or identified on the subdivision or land development plan. At the time of the conditional approval by the Board of Supervisors, the Chairman, or in his or her absence, the Vice-Chairman, shall sign a letter to the Tax Map Office, in a form to be approved by the Board of Supervisors, noting the approval of the plan conditioned on the placement of uniform parcel identifier numbers on the plan. The developer shall then take a notarized copy of the plan, which copy is intended to be recorded in the Office of the Recorder of Deeds, together with the letter executed by the Township, to the Tax Map Office of York County, for the assignment of uniform parcel identifier numbers, which numbers shall be placed on the appropriate table on the plan, as required in Section 404. After those numbers are assigned, the developer shall return the copy of the plan on which those numbers are originally affixed, together with one (1) identical copy (complete with uniform parcel identifier numbers), and a check made out to the "York County Recorder of Deeds" in the amount determined by the Tax Map Office to be due for the assignment of the uniform parcel identifier numbers, to the Township, after which, upon the meeting of all conditions of the approval, the Board of Supervisors shall sign the plan and cause it to be recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania.

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 as approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation or communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

From the time a Plan, whether Preliminary or Final, is submitted as provided in this Ordinance and while such plan is pending approval or disapproval, no change or amendment of the Zoning, Subdivision and Land Development or other Township Ordinance or Plan shall affect the decision on such Plan adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Township Ordinances or Plans as they stood at the time the application was duly submitted. In addition, when a Preliminary Plan has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved Preliminary plan as hereinafter provided.

However, if a Plan is properly and finally denied, any subsequent Plan shall be subject to the intervening change in Township regulations. When an application for approval of a Plan, whether Preliminary or Final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the Zoning, Subdivision and Land Development or other Township Ordinance or Plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the Township Ordinances or Plans as they stood at the time when the Plan for such approval was duly submitted.

SECTION 308 EFFECT OF PRELIMINARY PLAN APPROVAL

Approval of the Preliminary Plan by the Board of Supervisors constitutes conditional approval of the development as to the character and intensity of development, the general layout, and the approximate dimensions of streets, lots, and other planned features. This approval binds the developer to the general scheme shown on the Preliminary Plan.

Approval of the Preliminary Plan shall not constitute approval of the Final Plan, nor does it authorize recording of the Preliminary Plan or the sale of any lots, however, such approval does authorize the developer to proceed with the preparation of the Final Plan, installation and construction of improvements and/or the posting of a bond guarantee as specified in this Ordinance.

SECTION 309 EFFECT OF FINAL PLAN APPROVAL

Approval of the Final Plan by the Board of Supervisors constitutes final approval of the land development as to the character and intensity of development, the layout, and the dimensions of streets, lots and other planned features. This approval binds the developer to the scheme shown on the Final Plan. The Final Plan must be recorded in the Office of the Recorder of Deeds before the developer can proceed with the sale of any lots or the construction of buildings or structures.

SECTION 310 RECORDING OF FINAL PLAN

Upon approval of the Final Plan, and upon the developer meeting all contingencies or conditions of said approval, if any, the Township shall, within ninety (90) days of such approval and the meeting of all contingencies and conditions, if any, or the date the approval of the Board of Supervisors is noted on the Plan, whichever is later, record such Plan in the office of the Recorder of Deeds of York County. In the event that there are contingencies or conditions to said approval, and the developer should fail to meet all such contingencies within ninety (90) days, then prior to the expiration of said ninety (90) days, the developer shall seek an extension of said approval for a fixed additional period of time, not to exceed ninety (90) days. Failure by the developer to seek such an extension, or failure or refusal of the Board of supervisors to grant such extension shall render the original contingent approval null and void.

The recording of the Final Plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plan, but no lots may be sold or construction of buildings or structures commenced until the Final Plan is recorded.

SECTION 311 RESUBDIVISION

For any replatting or resubdivision of land, the same procedures and regulations apply as prescribed herein for an original subdivision.

ARTICLE IV

PLAN REQUIREMENTS

SECTION 401 SKETCH PLAN REQUIREMENTS

The Sketch Plan may be an informal free-hand drawing (which need not be drawn to scale nor show precise dimensions, except as required below), subject to the following:

- a) The following information shall be shown on the Sketch Plan:
 - 1) The name and address of the developer and owner (if different), the name of the municipality, the title of the Sketch Plan, a north arrow, and the date of the drawing.
 - 2) The number of acres in the tract, the average lot size, the approximate number of lots, the anticipated type of development, and the proposed general lot layout.
 - 3) The tax map and parcel number of the existing tract.
- b) Additionally, at the time the Sketch Plan is presented to the Township Planning Commission, the developer should also be prepared to provide the following information, which need not initially be shown on the Sketch Plan:
 - 1) A location map (such as a portion of the Township Tax Map) showing the relation of the land development to the surrounding area and community.
 - 2) The prior number of lots removed from the tract since June 20, 1974, and the existing number of dwellings on the tract.
 - 3) Existing and proposed streets, highways, and rights-of-way.
 - 4) The total road frontage on the tract.

SECTION 402 PRELIMINARY PLAN REQUIREMENT

The Preliminary Plan shall be submitted with an Application for Subdivision and Land Development Approval.

The Preliminary Plan shall be drawn on linen or mylar material and at a scale of not more than one hundred (100) feet to the inch. The Preliminary Plan shall show the following information:

- a) Proposed land development name or identifying title.
- b) Municipality in which the land development is located.

- c) North point, scale and date.
- d) Name and address of the owner of the property or of his authorized agent.
- e) Name and seal of the Registered Engineer or Registered Surveyor responsible for the plan.
- f) Total acreage of the tract.
- g) Number of lots, proposed density and minimum lot size.
- h) Signature block for approval by the Board of Supervisors (3 spaces), a notation showing date of review by York County Planning Commission, and a signature block (1 space) for approval by the York County Planning Commission.
- i) Length of new streets proposed.
- j) Type of water supply and sewage disposal facilities proposed, i.e., on-lot or public.
- k) Proposed use of land and existing zoning classification and proof of any variances or special exceptions which may have been granted.
- l) A location map in relation to the surrounding neighborhood and community. The location map should be at a scale of not less than two thousand (2,000) feet to the inch.
- m) Tract boundaries showing bearings and distances.
- n) Contours at vertical intervals of five (5) feet or less.
- o) Data to which contour elevations refer. Where reasonably practicable, data shall refer to U.S. Coast and Geodetic Survey data.
- p) The names of owners of immediately adjacent unplatted land, the names of proposed or existing land development immediately adjacent, and the locations and dimensions of any streets or easements shown thereon which abut the land to be developed.
- q) All existing watercourses, tree masses and other significant natural features, such as rock outcrops, springs and swampy areas.
- r) All existing buildings, sewers, water mains culverts, petroleum or petroleum products lines, gas lines, fire hydrants and other significant man-made features.
- s) All existing streets on, adjacent to or within four hundred (400) feet of any part of the tract, including name, right of-way width and cartway width.

- t) Lines of all lots, parcels or tracts included within the subdivision or land development including those not presently owned by the subdivider or land developer but on June 20, 1974 (the effective date of the Hopewell Township Zoning Ordinance), owned by the same land owner as the tract being subdivided or developed.
- u) Lots within the land development shall be numbered.
- v) Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions; driveway access points on corner lots where proposed; proposed minimum building setback line for each street; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
- w) Where the Preliminary Plan covers only a part of the developer's entire holding, a sketch may be required of the prospective street layout for the remainder.
- x) The plat must be signed by all of the owners of the land sought to be subdivided or developed and contain a notarized statement to the effect that the applicants are all of the owners of the land proposed to be subdivided or developed and that the land development as shown on the preliminary plan is made with his or their free consent.
- y) Measurements and location shall be shown for all proposed sewage disposal systems, all proposed wells and all proposed residential, commercial or industrial buildings.
- z) The location and design of access drives on corner lots and access drives on other lots as requested by the Board of Supervisors.

The Preliminary Plan shall include thereon or be accompanied by:

- aa) Where the subdivision and/or land development lies partially or completely within any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Hopewell Township by the Federal Insurance Administration in March, 1981, or where such activities border on any such area, the preliminary plan shall include the following information:
 - (1) The location and elevation of proposed roads, utilities and building sites, fills, flood or erosion, protection facilities;
 - (2) The one hundred (100) year flood elevations;
 - (3) Areas subject to special deed restrictions.All such maps shall show contours at intervals of two or five feet depending upon the slope of the land and shall identify accurately the boundaries of the area identified as being subject to the one hundred (100) year flood in the aforementioned Federal Insurance Study.

- bb) The location and design of access drives on corner lots and access drives on other lots as requested by the Board of Supervisors. Such access drives shall demonstrate the existence of reasonable access to the property and should not be designed so as to unreasonably erode the public road.

The design shall demonstrate compliance with Section 507 of this Ordinance.

If access is to be provided by a road maintained by the Commonwealth of Pennsylvania, the Subdivider or Developer shall supply proof that a driveway permit has been issued to permit a driveway to be completed at the proposed location, or certification from a professional engineer, that consistent with the regulations of the Pennsylvania Department of Transportation a permit can be issued to permit a driveway to be completed at the proposed location.

- cc) Feasibility Study on water and sewer facilities for the tract (Section 403) together with certification that the method of sewage disposal and the planning module has been approved by the Pennsylvania Department of Environmental Protection.
- dd) Typical cross-sections and centerline profiles for each proposed street.
- ee) Preliminary engineering designs of any new bridges or culverts proposed in the tract and a drawing of all present and proposed grades and facilities for storm water drainage. There shall be included such information as is necessary to establish to the satisfaction of the Township engineer that the proposed storm water facilities will be sufficient to achieve compliance with the requirements of Sections 512, 610 and 718 of this ordinance.
- ff) The subdivider or land developer shall include such information as is necessary to establish to the satisfaction of the Township Engineer that the proposed Stormwater Management Facilities will be sufficient to achieve compliance with the requirements of Sections 512, 610 and/or 718 of this Ordinance.
- gg) Application for Subdivision and Land Development Approval.
- hh) An erosion and sediment control plan which has been reviewed and approved by the York County Soil Conservation District. The subdivider or land developer must pay all fees required by the York County Soil Conservation District in order to secure such review and approval. Review and approval of the soil erosion and sediment control plan by the York County Soil Conservation District is not required if the preliminary plan does not consist of over five (5) lots, or involve commercial or industrial development, unless the Township in its discretion determines to require such review and approval.
- ii) An earth disturbance permit if the preliminary plan proposes development of over twenty-five (25) acres if such a permit is otherwise required pursuant to the provisions of Chapter 102, Erosion Control of the Pennsylvania Department of Environmental Protection.

- jj) The existing uniform parcel identifier number for each existing tract or separate lot which is not being created by the plan, including but not limited to the parent tract which is being subdivided.
- kk) On the first page of the plan, or, in the event of a plan creating or identifying a large number of lots, at such place on the plan as can be readily located, a table identifying each lot number being created or identified by lot number, with a column identified for the placement of the uniform parcel identifier number for each lot, to be assigned by the Tax Map Office.
- ll) Every plan shall have on it a note which states that the owner or developer is required to preserve all trees except those which must be removed in order to have a suitable location for a driveway, dwelling, well, septic system, or other improvement, including road or street improvements. The owner or developer shall mark all trees which are to be removed, and such removal of those trees shall be approved by the Township prior to their removal. The landowner or developer shall provide the Township with at least three (3) working days' notice prior to the intended removal of such trees.
- mm) Every plan shall delineate on the plan a utility right-of-way showing and providing access to each lot created by or shown on the subdivision or land development plan for all utilities which shall be necessary for the full development of each lot. No such right-of-way shall be closer than two (2) feet from the edge of the curb farthest from the cartway, which two-foot strip shall remain free and clear from all utilities, and shall be reserved for Township use for signage or other appropriate uses.

SECTION 403 FEASIBILITY REPORT ON SEWER AND WATER FACILITIES

The developer shall submit a Feasibility Report in duplicate concerning the availability, adequacy and/or adaptability of sewer and water facilities in or near a proposed land development. Said report shall be prepared by a Registered Professional Engineer and be submitted in conjunction with the Preliminary Plan for review and recommendations by the local office of the Pennsylvania Department of Environmental Protection.

The Feasibility Report shall consist of an examination of possible connection to an existing public sewerage system and public water supply system. The study shall include the distance from the nearest public sewer and public water and the capacity of the existing system to accommodate the proposed land development.

If the above method of sewerage disposal is found to be feasible, formal application shall be made to the Commonwealth of Pennsylvania, Department of Environmental Protection and a permit obtained from the Sanitary Water Board prior to the construction of sewers or treatment facilities.

As a part of the Feasibility Study, the subdivider shall state the type of sewage disposal system desired for each of the proposed lots. If other than connection to a sanitary sewer line, or the installation of a conventional on-site sewage disposal system is intended on any of the lots, that fact shall be indicated on the plan itself. The Board of Supervisors will approve on-site sewage disposal systems only when the Township Sewage Enforcement Officer and/or a sanitarian of the Pennsylvania Department of Environmental Protection certifies that the proposed sewage disposal system for each of the lots shown on the plan is suitable for use on that lot and the planning module for that lot was approved by the Pennsylvania Department of Environmental Protection, and:

- a) The Township Sewage Enforcement Officer and/or a sanitarian of the Department of Environmental Protection certifies that the proposed sewage disposal site cannot reasonably be located so as to enable the lot to utilize a conventional on-site sewage disposal system; and
- b) The lot itself cannot reasonably be redesigned or relocated consistent with the Township Zoning Ordinance and other Township regulations so as to enable utilization of a conventional on-site sewage disposal system.

As a part of the Feasibility Study, there shall be included the results of probe hole analyses and soil absorption tests on each of the lots as proposed in the subdivision. These probe hole analyses and soil absorption tests shall be performed in accordance with the regulations of the Pennsylvania Department of Environmental Protection and shall be certified as accurate by the Township Sewage Enforcement Officer.

If connection to an existing public sewer system is proposed, the subdivider or developer shall submit an agreement committing the public sewer system to accept and treat all sewerage that will be generated by the proposed subdivision or land development for such period of time and under such terms and conditions as the public sewer system accepts and treats sewerage emanating from elsewhere in its service area.

If connection to an existing public water supply system is proposed, the subdivider or developer shall submit an agreement committing the public water supply system to provide such water as will be utilized by the subdivision or land development for such period of time and under such terms and conditions as the public water supply system provides water service elsewhere in its service area.

If the water supply system proposed involves the utilization of water obtained from the tract being subdivided or developed irrespective of whether that water is being distributed as a part of a public water supply system, the Board of Supervisors will approve the proposed water supply system only when the Feasibility Study establishes and the engineer performing the study certifies that the groundwater recharge on the tract in question after development computed during drought conditions (periods when precipitation is forty (40%) per cent below normal) will exceed the anticipated water usage figures computed by using Department of Environmental Protection figures of 3.5 persons per dwelling unit and average daily uses of one hundred (100) gallons per person per day, where residential use is contemplated, and will exceed projected

water usage figures where nonresidential use is contemplated, and that the installation of the proposed systems will not lower the groundwater table in the area so as to endanger or decrease groundwater supplies available to other properties in the area of the subdivision or land development, and such study is approved by the Township Engineer.

When industrial or commercial use is intended, the applicant shall, in the Feasibility Study, set forth the proposed nature of the nonresidential use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the commercial or industrial use.

The applicant shall in addition set forth the proposed allocation of available water supply between or among the proposed nonresidential uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township.

In the case of the subdivisions or land developments of ten (10) or fewer existing or proposed residential units, the Water Feasibility Study is not required. For this purpose the subdivision or land development shall be considered to consist of all contiguous land owned on June 20, 1974 (the effective date of the Hopewell Township Zoning Ordinance), by the same land owner as lands owned by the applicant now proposed for subdivision or land development. Land shall be considered contiguous even though separated by public or private roads.

SECTION 404 MINOR SUBDIVISIONS

A minor subdivision shall be any subdivision that consists of five (5) or fewer lots. For purposes of this Section, the subdivision shall be considered to consist of all contiguous land owned on June 20, 1974 (the effective date of the Hopewell Township Zoning Ordinance) by the same landowner as lands owned by the applicant proposed for subdivision or land development. Land shall be considered contiguous even though separated by public or private roads. A subdivider or developer of a minor subdivision as defined in this Section shall be exempted from the requirement of filing a preliminary plan, and is required only to file a final plan, which shall conform in all respects to the requirements of this Ordinance for final plans. Additionally, a final subdivision or land development plan for a minor subdivision shall be exempted from review by the Township Engineer, unless, because of the particular circumstances of a subdivision or land development, either the Board of Supervisors or the Township Planning Commission determines that such review is appropriate.

SECTION 405 FINAL PLAN REQUIREMENTS

The Final Plan shall be submitted with an Application for Subdivision and Land Development Approval.

Final Plans shall conform in all important details with Preliminary Plans as previously approved, and any conditions specified in the approval of Preliminary Plans shall be incorporated in the Final Plan.

The Final Plan shall be drawn on linen or mylar material at a scale of either fifty (50) feet to the inch or one hundred (100) feet to the inch and shall include the following information:

- a) Land development name or identifying title.
- b) Municipality in which the land development is located.
- c) North point, scale and date.
- d) Name and address of the developer.
- e) Name and seal of the Registered Professional Engineer or Surveyor responsible for the plan.
- f) Total acreage of the tract, number of lots, density and minimum lot size.
- g) Proposed use of land and existing zoning classification.
- h) A location map for the purpose of locating the site to be developed in relation to the surrounding neighborhood and community. The location map should be at a scale of not less than 2000 feet to the inch.
- i) The names of adjoining land developments, if any, and the names of owners of all adjacent land.
- j) Street lines, tract boundaries, lot lines, rights-of-way, easements, and areas dedicated or proposed to be dedicated to public use.
- k) Sufficient data to determine readily the location, bearing and length of every street, lot, and boundary line and to reproduce such lines upon the ground.
- l) The length of all straight lines, radii, lengths of curves and tangent bearings for each street.
- m) All dimensions and angles or bearings of the lines to each lot and of each area proposed to be dedicated to public use.
- n) All dimensions shall be shown in feet and hundredths of a foot.
- o) The proposed building setback line for each street and the proposed placement of each dwelling or other principal building, sewage disposal system and well.
- p) The point of access of driveways on corner lots, where proposed.
- q) Location, size and invert elevation of all sanitary storm and combined sewers and location of all manholes, inlets and culverts.
- r) Lots within the land development shall be numbered.

- s) Names of streets within and adjacent to the land development shall be shown.
- t) The location of permanent reference monuments shall be shown on the Plan.
- u) The plan must be signed by all of the owners of the land sought to be subdivided or developed and contain a notarized statement to the effect that the applicants are all of the owners of the land proposed to be subdivided or developed and that the land development as shown on the final plan is made with his or their free consent and that it is desired to record the same.
- v) Signature block for approval by the Board of Supervisors (3 spaces).
- w) If any lot is not to be approved as the location of a dwelling, the plan shall conspicuously so state.
- x) Each final plan proposing residential development or residential uses within the agricultural district must contain in conspicuous form the following language: "Warning: The dwelling lot or lots proposed by this subdivision plan are in the agricultural district. The primary use of such district is agricultural and residents must expect things such as the smell of farm animals and the manure they produce, toxic chemical sprays, slow moving agricultural machinery on local roads and other by-products of agricultural activity."
- y) The plans shall contain a notation showing date of review by the York County Planning Commission, and a signature block for approval by the York County Planning Commission.

The Final Plan shall include thereon or be accompanied by:

- aa) A copy of such private deed restrictions, as may be applied upon the property as a condition of sale by the present owner.
- bb) Typical cross-sections and street profiles for all proposed streets. Such profiles shall show at least the following existing (natural) and proposed grades along the proposed street center line, culvert locations, invert elevations and sizes.
- cc) The certifications by the Township Engineer, the Township Sewage Enforcement Officer and/or a sanitarian of the Department of Environmental Protection required by Section 403 of this Ordinance.
- dd) Certification from a Registered Professional Engineer employed by the Township that the developer has installed all improvements to the specifications of this Ordinance and any conditions attached by the Board of Supervisors, or, in the alternative, that the developer has posted an improvement bond or other accepted security in amount sufficient to assure completion of all required improvements.

- ee) Complete engineering design of any new bridges or culvert or storm water drainage facilities proposed in the tract being subdivided or developed and certification by the Township Engineer that these proposed structures or facilities are satisfactorily proposed and will achieve compliance with the requirements of Sections 512, 610 and 718 of this Ordinance.
- ff) An erosion and sediment control plan which shall have been approved by the County Soil Conservation District if there are more than five (5) lots in the subdivision or if the subdivision or land development involved commercial or industrial development.
- gg) A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Hopewell Township by the Federal Insurance Administration in March, 1981, or updated versions. All such maps shall show contours at intervals of two feet and identify accurately the boundaries of such flood-prone areas.
- hh) Other certificates as may be required, including but not limited to those required by Section 403 of this Ordinance and that a registered professional engineer employed by the Township has approved the plans for storm drainage as submitted by the subdivider or land developer.
- ii) If access is to be provided by a road maintained by the Commonwealth of Pennsylvania, the Subdivider or Developer shall submit proof that a driveway permit has been issued to permit a driveway to be completed at the proposed location, or certification from a professional engineer, that consistent with the regulations of the Pennsylvania Department of Transportation a permit can be issued to permit a driveway to be completed at the proposed location. If the required permit has not yet been issued, the Plan shall set forth in conspicuous form a Notice that a highway occupancy permit is required from Pennsylvania Department of Transportation before driveway access is permitted. In addition, in the event a highway occupancy permit has not yet been obtained from the Commonwealth of Pennsylvania, the subdivider or developer shall prior to plan approval enter into a written agreement with the Township on a form prepared by or approved by the Township Solicitor which shall provide that the subdivider or developer shall not transfer any legal or equitable interest in any lot requiring a highway occupancy permit to be issued by the Pennsylvania Department of Transportation (this shall not be interpreted to preclude the entry into an unrecorded contract of sale provided any and all amount of down payment is held in escrow by an attorney or a licensed real estate broker) until a highway occupancy permit for the lot in question has been obtained and the Township has executed a writing authorizing the sale of such lot.
- jj) The existing uniform parcel identifier number for each existing tract or separate lot which is not being created by the plan, including but not limited to the parent tract which is being subdivided.

- kk) On the first page of the plan, or, in the event of a plan creating or identifying a large number of lots, at such place on the plan as can be readily located, a table identifying each lot number being created or identified by lot number, with a column identified for the placement of the uniform parcel identifier number for each lot, to be assigned by the Tax Map Office.

SECTION 406 SUBDIVISION OF LAND FOR AGRICULTURAL PURPOSES

- a) Where a parcel of land is being subdivided and it is not intended that buildings other than farm buildings (a farm dwelling is not a farm building) be placed or constructed on any of the lots created by the subdivision, the plan submitted shall contain in a conspicuous manner the following language: This subdivision is not intended for development purposes. No buildings, other than farm buildings, may be constructed or placed on any of the lots or parcels shown on this plan without first submitting a Subdivision plan meeting the then Township subdivision requirements.
- b) Five copies of such plan shall be submitted.
- c) The plan shall contain the notarized signatures of the owner or owners and signature blocks for three supervisors, three members of the planning commission, and the York County Planning Commission.
- d) A fee shall be submitted with the plan in the amount required for review by the York County Planning Commission.
- e) The plan shall further indicate to whom the property subdivided is being sold, if known, and such information as is necessary to establish that this subdivision will not result in the evasion of any of the provisions of this Ordinance or any other Township Ordinance with respect to the property proposed to be sold or with respect to the property being retained, i.e. (the provision of Section 203.4 of the Township Zoning Ordinance).

ARTICLE V
DESIGN STANDARDS

SECTION 501 APPLICATION OF STANDARDS

The following land development principles, standards and requirements will be applied by the Township in evaluating plans for proposed land developments.

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

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

SECTION 502 LOCATION OF SITE

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

- a) The location of the land development must conform to the Township Comprehensive Plan with respect to streets, public sites and proposed utilities.
- b) The proposed use of the land in any land development must conform to the Township Zoning Ordinance.
- c) Land subject to hazards of life, health, or property as may arise from fire, floods, disease, excessive noise, falling aircraft, or considered uninhabitable for other reasons may not be developed unless the hazards have been removed or the plans show adequate safeguards against them.
- d) A land development must be coordinated with existing land development in the neighborhood so that entire area may be developed harmoniously.

SECTION 503 GENERAL DESIGN STANDARDS FOR SITES

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

a) Location with Reference to Streets

- (1) Except as set forth in subsection (2) of this section, every lot proposed for subdivision or land development shall adjoin for its lot width as required by the Township Zoning Ordinance for a lot in the zone where the lot proposed for subdivision or land development is located, a road or street currently maintained by Hopewell Township or by the Commonwealth of Pennsylvania or a road or street which has been designed and improved in accordance with the provisions of Sections 504, 505, 506, 507, 602 and 603 of this Ordinance and the Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by Resolution, as amended from time to time by the Board of Supervisors by Resolution.
- (2) Exceptions - A lot or lots may be approved for subdivision or land development notwithstanding the provisions of subparagraph (1) of this paragraph provided that such subdivision or land development is in compliance with the provisions of subsections (a), (b), (c), (d) and (e) of this subsection as set forth below.
 - (a) There are five or fewer lots in this subdivision. (For purposes of this paragraph the "subdivision" shall be considered to consist of all contiguous land owned on June 20, 1974 (the effective date of the Hopewell Township Zoning Ordinance) by the same landowner as lands owned by the applicant proposed for subdivision or land development. Land shall be considered contiguous even though separated by public or private roads. After five lots have been created in any subdivision (regardless of whether any or all of them have road frontage of the type required by subsection (1) of this section as set forth above) no additional lots will be approved unless all roads providing frontage for lots in the subdivision not currently maintained by the Township or by the Commonwealth of Pennsylvania are improved in accordance with the requirements of Sections 602 and 603 of this Ordinance, and the Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by Resolution, as amended from time to time by the Board of Supervisors, by Resolution.
 - (b) No more than three (3) dwellings may be served by any private road not improved in accordance with the provisions of Sections 602 and 603 of this Ordinance; providing, however, that notwithstanding the above, every property in independent ownership as of June 20, 1974 (the effective date of the Hopewell Township Zoning Ordinance) shall be entitled to at least one dwelling.
 - (c) The plan sets forth in a conspicuous manner that the road or street which has not been improved in accordance with the provisions of Sections 602 and 603 of this Ordinance will remain a private road and will not be adopted or maintained by the Township.
 - (d) Private roads shall be designed and constructed pursuant to the standards set forth in the Construction and Materials Specifications For Subdivision and Land Development Manual of Hopewell Township, as may be amended from time to time.

- (e) If two (2) or more lots are to be served by a private road, then, prior to or as part of the subdivision approval, the owners of all lots to be served by the private road shall enter into an agreement setting forth the specific rights and obligations of the owners or users of each lot addressing the use and maintenance of the private street.

SECTION 504 STREET SYSTEMS - GENERAL

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

- a) Proposed streets shall be planned with regard to the existing street system, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future development extensions of the street system.
- b) Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets shall provide for continuation of existing or platted streets and for proper access to adjoining undeveloped tracts suitable for future development.
- c) Proposed streets, which are aligned with existing streets, shall bear the name of the existing street. In the event a proposed street is not aligned with an existing street, it shall not bear a name similar to any existing street located within the Township and/or the same postal service area irrespective of the suffix street, avenue, boulevard, drive, place, court, etc.
- d) Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- e) The streets must be properly located and built with regard to the proposed traffic functions, including the minimizing of through traffic on minor streets and the protection of major street capacities from excessive marginal access.
- f) The arrangement, character, extent, width, grade and location of all streets and highways must conform to any applicable Township or County Comprehensive Plan or Official Map.
- g) Construction and Materials Specifications: The standards set forth in this Article are in addition to those set forth in the Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by Resolution, as amended from time to time by the Board of Supervisors by Resolution, which Manual is hereby authorized. To the extent that the standards in this Article are or become inconsistent with the Manual, the standards in the Manual shall control. To the extent that there is no inconsistency, both the standards in this Article and in the Manual shall apply.

SECTION 505 STREET DESIGN

a) Width - Minimum street widths shall be as follows:

<u>Classification</u>	<u>Minimum Right-of-Way</u>	<u>Minimum Cartway Width</u>
Arterial or Limited Access Street	80-120 feet	As determined after consultation with the York County Planning Commission and the Pennsylvania Department of Transportation
Collector Street	60 feet	36 feet
Minor Street	50 feet	28 feet
Marginal Access Street	Variable, but not less than 33 feet in addition to right-of-way of the major streets it adjoins	20 feet
Permanent Cul-de-sac Street	50 feet	28 feet
Service Drive or Alley	22 feet	22 feet

- b) Exceptions to Width Requirements - Provisions for additional street width and right-of-way must be required when determined to be necessary as a part of the Comprehensive Plan.
- c) Existing Road Frontage - In the case of a plan containing lots fronting on an existing public road, the developer shall provide any required dedication for widening the existing road right-of-way to meet the right-of-way standards in s.505.a. Where uncertainty exists as to the road classification, it shall be as specified in the Township Comprehensive Plan - Transportation Plan section. The right-of-way to be dedicated must be measured from the centerline of the existing roadway.
- d) Dead-End Streets - Shall be prohibited, except when designed as temporary cul-de-sac streets by the developer on his own land in order to permit future street extensions into adjoining tracts. These temporary dead end streets must be approved by the Township and indicated on the plans. Also, they must be constructed with a stabilized all weather turnaround of the same radius as that which would be required for a permanent street; the turnaround to be removed when the street is continued.
- e) Cul-de-sac Streets - Should in general not exceed five hundred (500) feet in length unless topographic conditions and/or tract shape warrant an increase that is approved by the Township. They must be provided with a paved turnaround with a minimum diameter of

eighty (80) feet to the outside curb and one hundred (100) feet to the legal right-of-way. The length of a cul-de-sac street shall be measured from the center of the turnaround to the point of intersection of the centerline of the cul-de-sac street and the right-of-way line of the intersecting street.

- f) Half Street - Will not be permitted, except where dedication is for widening of an existing publicly maintained road and the remaining half of such road to the full width of right-of-way required is free and clear of existing buildings or other structures to the required setback line and the dedication or acquisition of the remaining half street is otherwise possible. Whenever there is an existing half-street adjacent to a tract to be developed, then the other half of the street shall be platted and dedicated with such tract unless otherwise determined by the Board of Supervisors.
- g) Curves - Where connecting street lines deflect from each other at any one (1) point, by more than 10 degrees, the lines must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be as follows:

<u>Type of Street</u>	<u>Sight Distance</u>
Arterial	400 feet
Collector	200 feet
Minor	100 feet
Cul-de-sac	100 feet

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

- h) Vertical Curves - Changes in grade shall be joined by vertical curves; a smooth grade line with gradual changes; as consistent with the type of street and the character of terrain, should be strived for in preference to a line with numerous breaks on short lengths of grades. Vertical curves which do not satisfy the minimum stopping sight distance requirements, specified elsewhere in this Ordinance, shall not be approved.

i) Grades - The grades of streets must meet the requirements below:

	<u>Minimum Grade</u>	<u>Maximum Grade</u>
All Streets	.5%	
Arterial		6%
Collectors		7%
Minor Streets		12%
Cul-de-sac Streets		12%
Marginal Access Streets		12%
Alleys or Service Drives		14%

In all grades exceeding 1%, vertical curves must be used and must be designed for proper sight distance.

j) Crown - The slopes of the crown on residential service and neighborhood collector streets shall be at least one-eighth inch per foot but not more than one-third (1/3) inch per foot as directed by the Township Engineer.

k) Sight Distances - Proper sight distance must be provided with respect to both horizontal and vertical alignment. Measured along the centerline, 5 feet above grade, the minimum sight distance must be as follows:

<u>Type of Street</u>	<u>Sight Distance</u>
Arterial	400 feet
Collector	200 feet
Minor	100 feet
Cul-de-sac	100 feet

l) Slope of Banks - Measured perpendicular to the street centerline may not exceed:

- 3 to 1 for fills.
- 2 to 1 for cuts.

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

SECTION 506 INTERSECTION DESIGN

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

	<u>Type of Intersection</u>				
	<u>Arterial with Arterial</u>	<u>Arterial with Collector</u>	<u>Collector with Collector</u>	<u>Collector with Minor</u>	<u>Minor with Minor</u>
Angle of Intersection of Street Centerlines	90°	75° - 105°	75° - 105°	75° - 105°	75° - 105°

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

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

Three-centered compound curves equivalent to the above minimum simple curves are permitted and encouraged where applicable.

Radius corners or diagonal cutoffs must be provided on the property lines substantially concentric with, or parallel to the cord of the curb radius corners.

- d) Intersection Sight Distances - Proper sight lines must be maintained at all street intersections. Clear sight triangles of seventy-five (75) feet (150 feet for Arterial Streets) measured along street center lines from their points of junction shall be provided at all intersections and no building, structure, grade or planting higher than three feet above the centerline of the street shall be permitted within such sight triangles.
- e) Distance Between Intersections - Shall be in accordance with the following:

	<u>Type of Intersection</u>				
	<u>Arterial with Arterial</u>	<u>Arterial with Collector</u>	<u>Collector with Collector</u>	<u>Collector with Minor</u>	<u>Minor with Minor</u>
Minimum Distance Between Centerlines of Intersections	800'	800'	600'	500'	500'
Minimum Separation of Centerlines For Streets Not in Alignment	Must be in alignment with planned or proposed streets entering from opposite side.			150'	150'

- f) Multiple Intersections - Involving junction of more than two (2) streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.

SECTION 507 OTHER STREET PROVISIONS

- a) Required Location and Size of Service Drives or Alleys -In developments with detached and semi-detached dwellings, alleys are prohibited except:
- In the rear of lots that front on a major thoroughfare, or
 - Where necessary to furnish access to rear yard garages on very steep lots.

In other types of residential developments they may be permitted. In commercial or industrial districts without off-street loading areas, alleys are required except as follows: Where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed, the Board of Supervisors may waive this alley requirement. No part of any dwelling, garage, or other structure may be located within 16 feet of the centerline of an alley.

All service drives or alleys must be paved to a width of at least 22 feet.

- b) Dead-End Service Drives or Alleys - Where service drives or alleys dead end, they must be provided with a paved turnaround with a minimum diameter of eighty (80) feet or a paved "Y" turnaround of sufficient size.
- c) Access - Streets shall be laid out to provide access to all lots and to adjacent undeveloped areas, and the developer shall improve these streets to the limits of the development.
- d) Access Drives - Within ten (10) feet of a street right-of-way line, an access drive may not exceed 35 feet or be less than 10 feet in width.

On a street frontage, the number of access drives may not exceed two per lot or dwelling.

An access drive may not cross a street right-of-way line:

- Within forty (40) feet of the right-of-way line of an intersecting street.
- Within five (5) feet of a fire hydrant.
- Within twenty-five (25) feet of another access drive on the same property.
- Within three (3) feet of a property line.

The minimum angle between the centerline of the access drive and the street shall be not less than sixty-five (65) degrees.

An access drive must be located in safe relationship to sight distance and barriers to vision. The drive may not exceed a slope of 5% within twenty-five (25) feet of the street right-of-way line.

Where a drive enters a bank through a cut, the shoulders of the cut may not exceed 50% in slope within twenty-five (25) feet of the point the drive intersects the street right-of-way.

Access drives must provide reasonable access to the property proposed to be served and must be designed so as not to unreasonably erode the public street or road.

- e) Reserve Strips - Controlling access to the development or to adjacent areas are prohibited except when their control is definitely placed in the jurisdiction of the Township under conditions approved by the Board of Supervisors.
- f) Street Names - Shall not duplicate existing or platted street names, or approximate such names by the use of suffixes such as "lane," "way," "drive," "court," "avenue." In approving names of streets, cognizance may be given to existing or platted street names within the

postal delivery district served by the Post Office. New streets shall bear the same name of the existing or platted street of which they are a continuation or with which they are in alignment. Street names must be approved by the Board of Supervisors.

- g) Construction and Materials Specifications: The standards set forth in this Article are in addition to those set forth in the Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by Resolution, as amended from time to time by the Board of Supervisors by Resolution, which Manual is hereby authorized. To the extent that the standards in this Article are or become inconsistent with the Manual, the standards in the Manual shall control. To the extent that there is no inconsistency, both the standards in this Article and in the Manual shall apply.

SECTION 508 BLOCKS

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

- Provision of adequate sites for type of buildings proposed.
- Zoning requirements.
- Topography.
- Requirements for safe and convenient vehicular and pedestrian circulation.

Blocks shall have a maximum length of sixteen hundred (1,600) feet, and so far as practical, a minimum length of five hundred (500) feet. In the design of blocks longer than eleven hundred (1,100) feet, special consideration shall be given to the requirements of satisfactory fire protection.

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

Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Crosswalks shall have a width of not less than five (5) feet and a paved walk of not less than four (4) feet.

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

SECTION 509 LOTS AND LOT SIZES

- a) Lot Layout in a Development - All lots within a development shall conform to the following requirements.
- Corner lots shall provide for equal setbacks on both streets.
 - Lot depths shall be not less than one nor more than two and one-half times the average lot width.
 - Depth and width of parcels laid out or reserved for nonresidential use shall be adequate for the use proposed and sufficient to provide satisfactory space for off-street parking and unloading.
 - Residential lots shall front on a dedicated public street, existing or proposed, except as provided by Section 503(a) of this Ordinance.
 - Lots shall be drawn to the center of the road, if possible.
 - Double frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets.
 - Side lot lines shall be substantially at right angles or radial to street lines.
 - Lots shall be reasonable in shape and average lot width shall not be substantially greater than nor substantially less than the lot width measured at the minimum setback line for the zone in which the lot is located.
- b) Lot Dimensions - The dimensions and areas of the lots must conform to the Township Zoning Ordinance. Where no public water and public sewerage system exist, the minimum dimension and areas of lots required by the Township Zoning Ordinance must be evaluated with regard to the results of soil percolation tests.

The Board of Supervisors, in conjunction with the Pennsylvania Department of Environmental Protection, must analyze the results of the soil percolation tests performed on the development, in accordance with Section 403. On the basis of this analysis, the Township may increase the minimum lot sizes and widths specified in the Township Zoning Ordinance.

Multi-family dwelling types may be built only where public water and public sewer are provided. For these dwellings the minimum lot size, width and depth shall be as provided in the Township Zoning Ordinance.

- c) Setback Lines - The setback lines for buildings must conform to the Township Zoning Ordinance.

- d) Planting Screens - Where lots face an interior street and back on a major thoroughfare or abut properties in other uses with an adverse effect upon them, a planting strip at least fifteen (15) feet wide or a screen may be required along the back or abutting side of the lot as the case may be. No right-of-access may open onto or through the strip.
- e) Grading - Lots shall be graded to sufficient elevation to secure drainage away from buildings and to prevent the collection of storm water in pools. Roof drainage shall be provided for according to recommendations of the Engineer or such other official as may be designated by the Board of Supervisors. Top soil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover.
- f) Residential Parking - At least two off-street parking spaces with access to a public street shall be provided for each proposed dwelling unit. Where such access is to other than a residential service street, adequate turnaround space shall be provided on the lot.
- g) House Numbers - House numbers shall be assigned to each lot by the Township.

SECTION 510 SEWAGE DISPOSAL

- a) Requirements - Based upon the results of the feasibility report required in Section 403, the development must be provided with sanitary sewage disposal facilities as follows:
 - Where there is an existing public sanitary sewer system on or near the development, a complete sanitary sewer collection system must be installed and connected the existing public sanitary sewer system.
 - Sanitary sewers shall not be used to carry storm water.
 - Where there is no existing public sanitary sewer system and the feasibility report indicates that a public sanitary sewer system and treatment plant is not feasible, the adequate provision of on-site subsurface sewer disposal systems must be investigated.
 - If on-site subsurface sewage disposal systems or connection to a public sanitary sewer system or installation of a public sanitary sewer system are not feasible, the development shall not be approved.

SECTION 511 WATER SUPPLY

- a) Requirements - Based upon the results of the feasibility report, the development must be provided with water supply facilities as follows:
 - Where there is an existing public water supply system on or within one thousand (1,000) feet of the development, a complete water main system connected to the existing public water supply system must be provided.

- Where no public water supply system exists, the developer shall provide for the installation of a complete public water main system.
- Where there is no existing public water supply and the feasibility report indicates that connection to or installation of a public water supply system is not feasible, each lot in the development must be provided with an individual water supply system in accordance with Section 403 and approved and certified by the Pennsylvania Department of Environmental Protection and the Township Engineer.

SECTION 512 STORM DRAINAGE

a) General Requirements - Adequate storm sewers, culverts, and related facilities must be provided, as necessary, to:

- Permit the unimpeded flow of natural watercourses.
- Ensure the drainage of all low points along the line of streets.
- Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- Provide adequate drainage away from on-site sewage disposal facilities.

Storm drainage facilities must be designed to handle the anticipated peak discharge from the property being subdivided on the basis of a one hundred (100) year storm.

b) Lot Drainage - Lots shall be laid out and graded to provide positive drainage away from new and existing buildings.

c) Nearby Existing Facilities - Where adequate existing storm sewers are readily accessible, the developer must connect his storm water facilities to these existing sewers.

d) Open Drainageways: When open drainageways are used for the disposal of storm water, the Township shall review the design of such open drainageways in relation to the following:

- Safety: Steep banks and deep pools shall be avoided.
- Erosion: Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the scouring of the channel bottom.
- Stagnation: Design of open drainageways shall not create stagnant pools or swampy areas.

Whenever the evidence available to the Township indicates that natural surface drainage is inadequate, the developer shall install a storm water sewer system in accordance with

approved plans and profiles. The system shall be designed by a Registered Engineer and be approved by the Township.

- Approval: Drainage structures for areas of more than ½ mile square shall be subject to approval by the Pennsylvania Department of Forests and Waters.

e) Abutting Properties: In the design of storm drainage facilities, special consideration must be given to excessive runoff to adjacent developed or undeveloped properties. In no case may a change be made in the existing topography which would:

- (a) Result in a slope of more than 10% within 20 feet of a property line.

- (b) Alter the existing drainage or topography in a way so as to adversely affect adjoining properties.

In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

f) Drainage Upon and On Streets - In order to give proper surface water drainage upon streets, a structure on a lot must be at a grade in satisfactory relationship:

- With the established street grade, or

- With the existing street grade where none is established.

- A street must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a street may not be less than one-eighth of an inch per foot nor more than one-third of an inch per foot. Adequate facilities must be provided at low points along a street and at other points at which it is necessary to intercept runoff.

g) Storm Water Management - Storm water run-off from any given area to be developed shall be computed in accordance with Urban Hydrology for Small Watersheds, Technical Release No. 55, prepared by the United States Department of Agriculture, January 1975, or as may otherwise be acceptable to the Township. The design concept where runoff may affect downstream properties should be as follows:

- The release rate from storms up to ten (10) years in recurrence frequency shall be limited to the pre-development flow rate from a two (2) year storm.

- The release rate from storms from up to one hundred (100) years in recurrence frequency shall be limited to the pre-development flow rate from a ten (10) year storm.

- Retention facilities shall be designed to retain the differences in flow rates per above.

- The emergency spillways from such facilities shall be designed based on a one hundred (100) year storm.

Where the storm water management plan provides for roof drain and/or driveway drain infiltration facilities, these must be protected by filter fabric and in the case of roof drain facilities, provide for sediment filtering at the roof and for a clean out at ground level.

- h) Maintenance - The subdivider or land developer must make adequate provision for the perpetual maintenance of all storm water management facilities proposed by the subdivision or land development plan.

The subdivider or land developer shall in addition provide for an easement enabling the Township to perform emergency maintenance in the event the property owner should fail to do so and shall establish a procedure whereby the Township shall be able to assess the cost of such emergency maintenance upon the owner of the land where the detention basin or other storm water management facility is located, by the filing of a municipal lien, or other lawful means.

- i) Construction and Materials Specifications: The standards set forth in this Article are in addition to those set forth in the Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by Resolution, as amended from time to time by the Board of Supervisors by Resolution, which Manual is hereby authorized. To the extent that the standards in this Article are or become inconsistent with the Manual, the standards in the Manual shall control. To the extent that there is no inconsistency, both the standards in this Article and in the Manual shall apply.

SECTION 513 OTHER UTILITIES

- a) Easements, Width and Location - Easements with a minimum width of fifteen (15) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots or all lots created by or existing in the subdivision or land development plan. No structures shall be placed within such easements. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- b) Underground Installations - Electric, telephone and all other utility facilities shall be installed underground at the expense of the developer in developments of 5 or more lots. No such underground installation, including natural gas lines or petroleum lines identified in subsections (c) and (d) shall be placed closer than two (2) feet from the edge of the curb farthest from the cartway, as set forth in Section 402 mm).
- c) Natural Gas Lines - All natural gas lines must be installed in compliance with the USAS Code B31.8, 1968, as amended. The minimum distance from a natural gas line to a dwelling unit must be as required by the applicable transmission or distributing company.

- d) Petroleum Lines - Between a proposed dwelling unit and the centerline of a petroleum products transmission line which may traverse the development, there must be a minimum distance of 100 feet measured in the shortest distance. In instances such that topographic conditions decrease the hazards involved or in which it would cause undue hardship in the efficient layout of the development, the Board of Supervisors may reduce this requirement.
- e) Construction and Materials Specifications: The standards set forth in this Article are in addition to those set forth in the Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by Resolution, as amended from time to time by the Board of Supervisors by Resolution, which Manual is hereby authorized. To the extent that the standards in this Article are or become inconsistent with the Manual, the standards in the Manual shall control. To the extent that there is no inconsistency, both the standards in this Article and in the Manual shall apply.

SECTION 514 LOCAL RECREATION SITES

- a) Where a proposed park, playground, open space, or other local or neighborhood recreation site is shown on the Comprehensive Plan or where the Township considers that a local recreation site is necessary to carry out the purpose of this Ordinance, the Township may require the dedication of all or a portion of such site in accordance with the standards following:
 - The land to be dedicated must be of suitable size, dimensions, topography, access, and general character for the proposed use.
 - The amount of land so required for this purpose shall be .02 acres of land for each lot or dwelling unit shown on the Final Plan.
- b) Where the application of these standards would result in an open space or recreation site too small to be usable, or if the Comprehensive Plan calls for such local recreation site to be located elsewhere, or if a suitable local recreation site cannot be properly located in the land development, as determined by the Township, a payment of a fee in an amount to be established by the Township Board of Supervisors from time to time shall be paid for each proposed dwelling unit or residential lot, pursuant to a formula to be separately established by the Board of Supervisors. To that end, the Board of Supervisors is authorized from time to time to enter into Agreements with adjoining municipalities who are parties to the Hopewell Area Recreation and Park Board, or other duly created boards or authorities: to set forth the terms and basis for any such recreation fees or any fee increases; to set the terms and conditions of the operation of the Hopewell Area Recreation and Park Board, or other duly created boards or authorities; and to enter into other matters relating to the Hopewell Area Recreation and Park Board, or other duly created boards or authorities. By this subsection, the Board of Supervisors ratifies and adopts all previous agreements among the municipalities participating in and relating to the Hopewell Area Recreation and Park Board.
 - 1) The fee must be paid to the Township prior to the approval of the Final Plan.

- 2) All monies paid to the Township in this manner must be kept in a capital reserve fund established as provided by law. Monies in such capital reserve fund must be used for purchase of land and/or facilities for recreation or open space purposes.
- c) The recreation fee authorized by this Section shall be \$2,500.00 for each proposed dwelling unit or residential lot, which is 2% (rounded down to the nearest \$100.00) of the present average selling price for a residential lot in the Township as determined by the Board of Supervisors. Pursuant to the Agreement between the Township and the adjoining municipalities who are parties to the Hopewell Area Recreation and Park Board, as referenced in subparagraph b), above, as amended from time to time, the recreation fee of Hopewell Township shall be established from time to time by the Board of Supervisors, but shall be no less than two percent (2%) nor more than five percent (5%) of the average selling price of a residential lot in the Township as established by the Board of Supervisors.
- d) In lieu of requiring the dedication of a recreation or park site, or a fee for this purpose, the Board of Supervisors may permit a private site to be used if:
 - In its judgement the purposes of these regulations regarding recreation and park sites will be accomplished; and
 - The private site is permanently devoted to recreation and park use and adequately secured for such use by deed covenants or other private restrictions,

SECTION 515 OTHER PUBLIC SITES

In large-scale land developments the dedication of sites for other appropriate public uses, such as but not limited to schools, library, and public service buildings, may be required. Such areas or sites must be of a character, extent, and location as to be clearly related to the local and neighborhood needs of the residents of the development. No land may be required for dedication which would primarily serve the need of the Township as a whole as distinguished from the development or neighborhood.

SECTION 516 TREES AND LANDMARKS

Wherever possible, developers may be required to preserve trees (more than six inches in diameter at the base of the trunk), groves, scenic and historic places, and other community assets and landmarks. See Section 402 II), relating to trees.

SECTION 517 WATERCOURSES AND DRAINAGEWAYS

Where a land development is traversed by a watercourse, stream, channel or other drainageway, the developer must provide a drainage easement conforming substantially to the existing alignment of the drainageway. The easement must be a width adequate to:

- Preserve the unimpeded flow of natural drainage.
- Widen, deepen, relocate, improve, or protect the drainageway.
- Install a storm water sewer.

Any changes in the existing drainageway must be approved by the Pennsylvania Water and Power Resources Board.

SECTION 518 EROSION AND SEDIMENT CONTROL

Any subdivider or developer who proposes to engage in an earth moving activity on any subdivision or land development shall prior to final plan approval prepare an erosion and sediment control plan and obtain a permit, if applicable, according to the provisions of Chapter 100, "Erosion Control", the Pennsylvania Department of Environmental Protection. Such erosion and sediment control plan shall be approved by the County Soil Conservation District.

ARTICLE VI

IMPROVEMENTS, DEDICATION AND RESERVATION

SECTION 601 MONUMENTS AND MARKERS

a) Specifications - Monuments and markers must be constructed as follows:

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

b) Placement and Marking - Monuments and markers must be placed by a Registered Engineer or Surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments must be marked on top with a copper or brass dowel.

c) Location of Monuments - Monuments must be set:

- At the intersection of lines forming angles in the boundaries of the development.
- At the intersection of street lines.

d) Location of Markers - Markers must be set:

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

e) 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.

SECTION 602 STREETS

Streets must be surfaced to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the developer and approved by the Township. Before paving the street surface, the developer must install required utilities and provide, where necessary, adequate subsurface drainage for the streets, as acceptable to the Township.

The Township shall decide if a collector or arterial street is required as a direct result of the construction of the development in which case the developer is responsible for paving the additional width required.

Driveway entrances or aprons within the street right-of-way shall be as required in the Construction and Materials Specifications For Subdivision and Land Development Manual (Manual) adopted by the Board of Supervisors by Resolution, as amended from time to time by the Board of Supervisors by Resolution, which Manual is hereby authorized. To the extent that the standards in this Article are or become inconsistent with the Manual, the standards in the Manual shall control. To the extent that there is no inconsistency, both the standards in this Article and in the Manual shall apply. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk.

SECTION 603 CURBS AND GUTTERS

a) Where curbs required

- 1) Curbs shall be installed along both sides of public streets of any development or subdivision in the Residential (R) Zone which consists of lots of less than one acre gross area.
- 2) Curbs shall be placed along both sides of all public streets in a subdivision or land development in the Commercial (C) or Industrial (I) Zone.
- 3) Curbs shall be required in any subdivision or land development, regardless of the zoning district or lot size, if the land immediately adjacent to the subdivision or land development has existing curbs to which the curbs of the development or subdivision plan will connect.
- 4) The Board of Supervisors shall have the right to require curbs in any Zone or at any location, when, in their sole discretion, such curbs are justified for public health, safety or welfare, or are determined by the Township Engineer to be necessary for proper storm water management.
- 5) The Board of Supervisors may waive the requirement for curbs for any subdivision or land development where, in their sole discretion, they find that the developer has shown that such curbs are unnecessary or contrary to the public health, safety or welfare, or the requirement would pose a unique hardship as set forth in Section 802 b).

- 6) All references to zones or zoning districts in this subsection refer to and relate back to zoning classifications found in the Hopewell Township Zoning Ordinance.
- b) Any subdivision or land development plan submitted from and after October 10, 2000 for which the Board of Supervisors does not require the immediate construction of curbs shall have affixed to the plan the following note:

"Upon notice by the Board of Supervisors of Hopewell Township to the land owner of record of any lot in this subdivision or land development that sidewalks and/or curbs must be installed, the owner shall have six (6) months from the date of such notice to install said sidewalks and/or curbs at the owner's expense. The obligation to construct sidewalks and/or curbs and the construction of such sidewalks and/or curbs shall be governed by the Hopewell Township Subdivision and Land Development Ordinance and the Hopewell Township Sidewalk and Curb Ordinance."
- c) The design and construction standards for sidewalks shall be those set forth in the Hopewell Township Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by Resolution, as amended from time to time by the Board of Supervisors by Resolution, which Manual is hereby authorized.
- d) In areas where curbs are not required, suitable gutters must be installed to avoid erosion and control storm water. The design of such gutters shall be subject to approval of the Township Engineer.

SECTION 604 SIDEWALKS

- a) Where sidewalks required
 - 1) Sidewalks shall be installed along both sides of all public streets of any development or subdivision in the Residential (R) Zone which consist of lots of less than one acre gross area.
 - 2) Sidewalks shall be placed along both sides of all public streets in a subdivision or land development in the Commercial (C) or Industrial (I) Zone.
 - 3) Sidewalks shall be required in any subdivision or land development, regardless of the zoning district or lot size, if the land immediately adjacent to the subdivision or land development has existing sidewalks to which the sidewalks of the development or subdivision plan will connect.
 - 4) The Board of Supervisors shall have the right to require sidewalks in any Zone or at any location, when, in their sole discretion, such sidewalks are justified for public health, safety, or welfare.

- 5) The Board of Supervisors may waive the requirement for sidewalks for any subdivision or land development where, in their sole discretion, they find that the developer has shown that such sidewalks are unnecessary or contrary to the public health, safety or welfare, or the requirement would pose a unique hardship as set forth in Section 802 b).
 - 6) All references to zones or zoning districts in this subsection refer to and relate back to zoning classifications found in the Hopewell Township Zoning Ordinance.
- b) Any subdivision or land development plan submitted from and after October 10, 2000 for which the Board of Supervisors does not require the immediate construction of sidewalks and/or curbs shall have affixed to the plan the following note:
- "Upon notice by the Board of Supervisors of Hopewell Township to the land owner of record of any lot in this subdivision or land development that sidewalks and/or curbs must be installed, the owner shall have six (6) months from the date of such notice to install such sidewalks and curbs at the owner's expense. The obligation to construct sidewalks and/or curbs and the construction of such sidewalks and/or curbs shall be governed by the Hopewell Township Subdivision and Land Development Ordinance and the Hopewell Township Sidewalk and Curb Ordinance."
- c) The sidewalk must commence no less than three (3) feet nor more than four (4) feet from the edge of the curb farthest away from the cartway, or, where there is no curb, from the edge of the cartway, but in no event shall the sidewalk extend in width closer than two (2) feet from the right-of-way line.
 - d) The area between the edge of the curb farthest from the cartway, or, where no curb, the edge of the cartway, and the edge of the sidewalk shall be planted in grass.
 - e) Crosswalks must be provided when deemed necessary by either the Planning Commission or the Board of Supervisors to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other facilities. They must be no less than five (5) feet wide.
 - f) The design and construction standards for sidewalks shall be those set forth in the Hopewell Township Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by Resolution, as amended from time to time by the Board of Supervisors by Resolution, which Manual is hereby authorized.

SECTION 605 STREET NAME SIGNS AND TRAFFIC CONTROL SIGNS

Must be placed at all intersections. Such signs must be provided by the subdivider and land developer with the design being approved by the Township.

SECTION 606 STREET TREES

For the safety, convenience and attractiveness of the subdivision, street trees shall be required. They shall be:

- Of a minimum caliper of two (2) inches and of a minimum height of ten (10) feet.
- Uniformly spaced not less than fifty (50) feet nor more than seventy (70) feet apart.
- Any street trees which die within eighteen (18) months of planting shall be replaced by the subdivider or developer at his expense. Any street trees which die after the eighteen (18) month period shall be replaced within six months by the owner of the land on which such tree was located.
- Construction and Materials Specifications: The standards set forth in this Section are in addition to those set forth in the Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by Resolution, as amended from time to time by the Board of Supervisors by Resolution, which Manual is hereby authorized. To the extent that the standards in this Article are or become inconsistent with the Manual, the standards in the Manual shall control. To the extent that there is no inconsistency, both the standards in this Article and in the Manual shall apply.

SECTION 607 STREET LIGHTS

For the safety, convenience, and attractiveness of the development, on-site or public street lights shall be installed unless conditions require otherwise. Such determination shall be made by the Board of Supervisors prior to approval of the Plan, after recommendations by the Codes Enforcement and/or Zoning Officer and the Planning Commission.

If public street lights are required, they shall be spaced no more than three hundred (300) feet apart or as recommended for residential subdivisions by the lighting manufacturer of the lights to be used and shall be designed so as not to create unreasonable glare.

If private owner maintained street lights are to be installed, they must utilize seventy-five (75) watt high pressure sodium or mercury vapor post lights and be equipped with electric eye, and the subdivider or land developer must make adequate provision to insure the perpetual maintenance of such private owner maintained street lights and to insure that the seventy-five (75) watt high pressure sodium or mercury vapor post lights continue to be used and that the electric eye is not modified or adjusted by the owner so as to preclude the light from functioning as designed.

All street lights shall be placed no further than fifteen (15) feet from the street right-of-way line.

Commercial or industrial access roads and parking lots will be required to provide adequate lighting as deemed reasonably necessary by the Board of Supervisors to provide for the public safety.

The design and plan for street lighting shall be submitted by the subdivider or land developer and must be approved by the Township Board of Supervisors.

SECTION 608 SEWAGE DISPOSAL

a) Where a public sanitary sewer system is accessible to the land development, the developer shall provide the development with a complete sanitary sewer system ready to be connected to the existing or proposed sanitary sewer system.

- The plan for the installation of a sanitary sewer system must be prepared for the development and approved by the Township Engineer and the Pennsylvania Department of Environmental Protection. The Township Engineer must inspect the sewer line before it is covered over. Upon completion of the sanitary sewer installation, the plan for the system as built must be filed with the Township.
- Any sewer pipe main must be at least eight (8) inches in diameter and any sewer lateral must be at least four (4) inches. Storm sewers may not be connected with sanitary sewers.
- Manholes shall be located generally at intervals of two hundred fifty (250) feet and in no case more than four hundred (400) feet. Manholes are also required at all points of change of course or grade and at all points of intersection of sewer lines.
- All sanitary sewer systems located in any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Hopewell Township by the Federal Insurance Administration in March, 1981, whether public or private, shall be flood-proofed up to the one hundred (100) year flood elevation.

b) Where installation of a sanitary sewer system is not required, the developer or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewerage disposal system consisting of a septic tank and tile absorption fields or other approved sewerage system.

If on-site subsurface sewage disposal systems are feasible, they must be laid out in accordance with minimum standards of the Sewage Facilities Act (Act 537) of the Pennsylvania Department of Environmental Protection. The Township and/or the Pennsylvania Department of Environmental Protection must inspect and approve each on-site sewage disposal system. No installation of sewage disposal facilities requiring soil absorption system shall occur where such system will not function due to high ground water, flooding, or unsuitable soil characteristics or where such systems are proposed for location in any of the areas identified as

being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Hopewell Township by the Federal Insurance Administration on March, 1981.

SECTION 609 WATER SUPPLY

- a) Where a public water supply system is within one thousand (1,000) feet of the land development, the developer shall provide the development with a complete water main supply system to be connected to an existing or proposed public water supply system.

The plan for the installation of the mains of a water supply system must be prepared for the development with cooperation of the appropriate water utility company and approved by the Township Engineer. Upon the completion of the water supply system, one copy of the plan for the system as built must be filed with the Township.

- b) Where the connection to a public water supply system is not possible or feasible, the developer shall provide for each lot or dwelling unit, at the time improvements are erected or installed, an individual water supply system. All such individual systems shall meet all applicable regulations of the Pennsylvania Department of Environmental Protection.
- c) All water supply systems or portions thereof located in any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study, prepared for Hopewell Township by the Federal Insurance Administration in March, 1981, whether public or private, shall be flood-proofed up to the one hundred (100) year flood elevation.

SECTION 610 STORM DRAINAGE

- a) Storm Drainage Facilities - Whenever the evidence available to the Board of Supervisors indicates that natural surface drainage is inadequate to meet the requirements of Section 512 of this Ordinance, the subdivider or land developer shall install a storm water drainage system in accordance with plans and profiles designed to meet the requirements of Section 512 of this Ordinance, which meet the approval of the Township Engineer, and standards set forth in the Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by Resolution, as amended from time to time by the Board of Supervisors by Resolution, which Manual is hereby authorized. To the extent that the standards in this Article are or become inconsistent with the Manual, the standards in the Manual shall control. To the extent that there is no inconsistency, both the standards in this Article and in the Manual shall apply. In addition, drainage structures for areas of more than one-half mile square shall be subject to approval by the Pennsylvania Department of Environmental Protection.
- b) Storm Water Detention Basins - Whenever the evidence available to the Township indicates that a storm water detention basin is necessary to control the rate of storm water runoff from the site, the subdivider or land developer shall install a detention basin in accordance with approved design, calculations, plans and profiles. Construction of such facilities shall meet the standards set forth in the Construction and Materials Specifications For Subdivision and Land Development Manual adopted by the Board of Supervisors by Resolution, as amended

from time to time by the Board of Supervisors by Resolution, which Manual is hereby authorized. Additionally design and construction of detention basins shall meet the requirements of U.S. Department of Agriculture, Soil Conservation Service, "Engineering Field Manual," Agriculture Handbook No. 387 "Ponds", and Technical Release No. 55, "Urban Hydrology for Small Watersheds," and be designed on the basis of a one hundred (100) year storm. To the extent that the standards in this Article are or become inconsistent with the Manual, the stricter standards shall control. To the extent that there is no inconsistency, both the standards in this Article and in the Manual shall apply.

When in the opinion of the Township Supervisors and Township Engineer, it is necessary to protect against burrowing animals, a minimum of one (1) foot thick layer of rip-rap shall be placed on both sides and at the top of storm water detention basins. The rip-rap shall be hand placed one hundred fifty (150) pound size as specified by U.S.D.A., Conservation Service Engineering Manual. The rip-rap shall be covered with a minimum one (1) foot thick layer of soil to provide a seed bed for grass cover. In place of rip-rap, the developer may provide a four (4) inch thick layer of gunnite or shotcrete.

Where the subdivision or land development proposing the storm water detention basin proposes residential development, the slopes on such detention basin may not exceed two and one-half to one.

SECTION 611 FIRE HYDRANTS

- a) Fire hydrants shall be installed if their water supply source is capable to serve them in accordance with the requirements of the local fire authority.
- b) Fire hydrants, if provided, shall be located within six hundred (600) feet of any dwelling unit or structure open to the public. Fire hydrants shall be installed in accordance with all applicable regulations.

SECTION 611.1 OTHER UTILITIES

All gas lines, underground electric lines, underground telephone lines and other utilities located in any of the areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study prepared for Hopewell Township by the Federal Insurance Administration on March, 1981, whether public or private, shall be flood-proofed up to the one hundred (100) year flood elevation.

SECTION 612 COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAN APPROVAL

No plan shall be finally approved unless the streets shown on such plan have been improved as may be required by this ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, street trees, water mains, sanitary sewers, storm drains, storm water management facilities or other improvements as may be required by this ordinance have been installed in accordance with

this ordinance, except that the surface course of streets shall not be completed until such time as ninety percent (90%) of the lots in the subdivision have been improved by the construction of a dwelling if approved for residential development or by the construction of the proposed commercial or industrial structures if the lots are approved for such uses.

For purposes of this provision, the subdivision shall include all contiguous land owned by the same owner or owners on the date of the submission of the first preliminary plan to permit subdivision or development of such owner's land. In determining the number of lots in the subdivision, all lots proposed by a preliminary plan which has received either approval or contingent approval, shall be included. However, irrespective of the above, the surface course of any road or roads shall be completed when ninety percent (90%) of the lots as shown on the preliminary plan to have access provided by such street or streets have been improved by the construction of a dwelling, if approved for residential development, or by the construction of the proposed commercial or industrial structures if the lots are approved for commercial or industrial use and such street or streets can be accessed from an existing public road and have as their other terminus either an existing public road or an approved cul-de-sac.

The subdivider or developer shall estimate the cost of the surface course separately from the estimated cost of completing the other improvements and the estimated cost of the surface course shall be based upon the subdivider or developer's projected time table for completion of the development. The subdivider or developer shall deposit with the Township a corporate bond, letter of credit, or other security acceptable to the Board of Supervisors in an amount equal to one hundred ten percent (110%) of the estimated cost of the Township completing the surface course at a time ninety percent (90%) days following the date scheduled for completion of the same by the subdivider or developer.

In addition, at the discretion of the subdivider or developer, in lieu of completion of the other improvements required as a condition for final approval of a plan, such subdivider or developer may deposit with the Township a corporate bond, letter of credit, or other security acceptable to the Board of Supervisors in an amount equal to one hundred ten percent (110%) of the estimated cost of the Township completing required improvements at a time ninety (90) days following the date scheduled for completion of the respective improvements by the subdivider or developer.

Annually the Township may adjust the amount of required financial security by redetermining the estimated cost for completion of the uncompleted improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the subdivider or developer to post additional security in order to insure that the financial security equals one hundred ten percent (110%) of the estimated cost of the Township completing the improvements at a time ninety (90) days following the date scheduled for completion or alternatively reduce the required security so that it equals such amount. The cost of the determination by the Township Engineer shall be paid by the subdivider or developer. Any additional security shall be posted by the subdivider or developer within thirty (30) days after being notified of the same.

Alternatively, at the sole discretion of the Board of Supervisors, if the subdivider or developer, or other 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 percent (10%) for each one-year period beyond the first anniversary date from posting of financial security or an amount not to exceed 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release from time to time, such portions of the financial security necessary for the payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the governing body, and the governing body shall have forty-five (45) days from the receipt of such request within which to allow the Township Engineer to certify, in writing, to the governing body that such portion of the work has been completed in accordance with the approved plat. Upon such certification, the Board of Supervisors shall authorize release from the required financial security of an amount as estimated by the Township Engineer as representing the value of the work completed.

The value of the work completed shall be determined by subtracting from the total amount of security deposited, one hundred ten (110%) per cent of the estimated cost of the Township completing the uncompleted work.

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

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

- a) Post with the Township a cash bond in an amount equal to fifteen (15%) per cent of the reasonable cost of the surface course as security to guarantee that damages to the road or street would not occur during the completion of the improvements on the unimproved lots in such subdivider's or developer's subdivision. The Township shall hold such cash bond and utilize it to pay for the repair of any damage occurring to the road during the period between the commencement of improvements on any particular unimproved lot and the completion of such improvements irrespective of whether or not it can be established that the damage to the road was caused by contractors or other persons working in and about the construction of such improvements; or
- b) Present to the Township agreements signed by the owners of all of such unimproved lots pursuant to which they will agree to pay to the Township the cost of repairing any damage occurring to roads in such subdivision during the period between the commencement of

work on improvements to their lot and the completion of such improvements irrespective of whether or not it can be established that such damage was caused by contractors or other persons involved in the improvement of their respective lot.

Irrespective of the provisions of this section, the subdivider or developer must within the sixty (60) days next following the sale of a lot, or the issuance of a building or zoning permit to permit construction on such lot, whichever first occurs:

- 1) Complete the pavement base (see Section 602 of this Ordinance) of the streets shown on the final plan as providing the lot access to a public street or road (if the plan provides more than one (1) means of access to the lot in question, only one (1) such means to access is required to be improved pursuant to this section).
- 2) Complete all storm water management facilities which are intended by the final plan to handle the storm water runoff from the lot.

In a case where the subdivision or land development is projected over a period of years, and the Board of Supervisors authorizes submission of final plans by sections or stages of development, then approval of those sections or stages shall be subject to such requirements or guarantees as to improvements in future sections or stages as it finds essential for the protection of any finally approved section of the subdivision or land development.

As the work of installing the required improvements proceeds, the subdivider or developer posting the financial security may request the Board of Supervisors to release, or authorize the release, from time to time, of 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 requests within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed. The Board of Supervisors may, prior to final release at the time of completion and certification by the Township Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, it shall require the posting of financial security to secure the structural integrity of the improvements as well as the functioning of the improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Such 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 percent (15%) of the actual cost of installation of the improvements.

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

To the extent that any paragraph or part of this Section requires the estimation or fixing of costs of improvements, such estimates shall be prepared by a professional engineer licensed in the Commonwealth of Pennsylvania, and certified by such engineer to be a fair and reasonable estimate of such costs, and shall be subject to review and approval by the Township Engineer.

SECTION 613 RELEASE FROM IMPROVEMENT BOND

When the subdivider or developer has completed all of the necessary and appropriate improvements, the subdivider or developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements, enclosing therewith certification by the engineer responsible for the design of the improvements certifying that they have been installed as designed, and shall send copies of the notice and certification to the Township Engineer. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the 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 subdivider or 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 the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

The Board of Supervisors shall notify the subdivider or developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified or registered mail, of their action 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 subdivider or developer shall be released from all liability, pursuant to its performance guarantee bond.

If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the subdivider or 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 subdivider or developer's right to contest or question by legal proceedings or otherwise any determination of the Board of Supervisors or the Township Engineer.

Where herein reference is made to the Township Engineer, he shall be a duly Registered Professional Engineer employed by the Township or engaged as a consultant thereto.

To cover inspection costs, the subdivider or developer must pay a fee to be established by the Board of Supervisors. Any unused portion of this fee will be refunded to the subdivider or developer upon completion of the inspections. In the event that the subdivider or developer disputes the amount of inspection costs, such dispute shall be resolved pursuant to Section 510(g) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10510(g).

SECTION 614 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved Final Plan the Board of Supervisors may 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 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, after deducting costs of collection, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

SECTION 615 OFFERS OF DEDICATION

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

SECTION 616 LAND RESERVATION

On sites reserved for eventual public acquisition, no building development is permitted during the period of reservation, said period of time not to extend more than 18 months without consent of the developer. Such land reservations shall be noted on the Final Plan.

SECTION 617 EFFECT OF PLAN RECORDING ON DEDICATION AND RESERVATIONS

Recording the Final Plan after approval of the Board of Supervisors has the effect of an irrevocable offer to:

Dedicate all streets and other public ways to public use.

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

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

ARTICLE VII

MOBILEHOME PARKS PROVISIONS

SECTION 701 APPROVAL REQUIRED

It shall be unlawful for any person to construct, alter or extend any mobilehome park within the limits of the Township until plans have been approved by the Township in accordance with the provisions of this Ordinance.

SECTION 702 APPLICATION FOR MOBILEHOME PARK APPROVAL

Applications for mobilehome park approval shall conform to the requirements and procedures as established in Articles III, IV and in Sections 514 through 517 and 612 through 614 of this Ordinance.

SECTION 703 MOBILEHOME PARK IMPROVEMENTS

All improvements required in mobilehome parks shall be designed in accordance with the design standards set forth in Article V of this Ordinance and the improvements shall be installed consistent with the requirements of Article VI of this Ordinance,

SECTION 704 SITE LOCATION AND DIMENSIONS

The location and minimum area of all mobilehome parks shall be in accordance with the Township Zoning Ordinance and shall also comply with the following minimum requirements:

- a) The location of the mobilehome park must conform to the Township Comprehensive Plan with respect to streets, public sites and proposed utilities.
- b) Not located on flood plains or subject to flooding or located with respect to adverse influences from swamps, marshes or other water hazard areas.
- c) Not subject to any hazard or nuisance such as excessive noise, vibration, smoke, toxic matter, heat, odor, glare, etc.
- d) Mobilehome parks located adjacent to an arterial street or located adjacent to industrial or commercial properties, shall provide a planting screen at least fifteen (15) feet wide or approved fencing shall be provided along the abutting side separating the park and such adjacent nonresidential uses.

SECTION 705 MOBILEHOME LOTS

- a) All lots shall abut a park street.
- b) The lot upon which the mobilehome is located shall conform with the minimum lot size requirements contained in the Township Zoning Ordinance.
- c) The lot or parcel shall be seeded and landscaped.

SECTION 706 ERECTION AND PLACEMENT OF MOBILEHOMES

- a) The mobilehome shall be located in conformance with all front, side and rear setback requirements as contained in the Township Zoning Ordinance.
- b) The mobilehome shall be placed upon and securely fastened to a concrete or bituminous pad which shall be built upon a frost-free foundation or footer. In no instance shall it be placed upon jacks, loose block, or other similar arrangements.
- c) An enclosure of compatible design and material shall be erected around the entire base of the mobilehome. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- d) Any garage, utility shed or other similar building or structure shall conform with all applicable zoning and building code requirements, if such are in existence.

SECTION 707 AREAS FOR NONRESIDENTIAL USES

- a) No part of any park shall be used for nonresidential purposes, except such uses that are required for recreation, direct servicing, management or maintenance of the park and its residents.
- b) Nothing contained in this section shall be deemed as prohibiting the display and sale of a mobilehome when located on an approved mobilehome lot in compliance with Section 706 and connected to utilities.

SECTION 708 STREET SYSTEM

All streets within mobilehome parks whether offered for public dedication or not shall conform to the following standards:

- a) General Requirements - A safe and convenient vehicular access shall be provided from abutting public streets and roads.
- b) Location Principles - The streets or roads in a mobilehome park shall be located and built with regard to:

- 1) Providing traffic ways for convenient access to each mobilehome lot and other important facilities in the park.
 - 2) Designed to recognize existing easements which are to be preserved.
 - 3) Permit connection to existing facilities where necessary for the proper functioning of drainage and utility easements.
- c) Circulation - The street system should provide convenient circulation by means of minor streets and properly located collector streets.

Minor streets shall be so located that their use by through traffic will be discouraged.

Where a mobilehome park abuts or contains an existing or proposed arterial street, the Township may require marginal access streets, reverse frontage or such other treatment as may be necessary to afford separation of through and local traffic.

- d) Pavement Width - The entrance road connecting the park with a public street or road shall have a minimum pavement of thirty-six (36) feet.

Other internal streets shall be as follows:

- For collector streets a minimum width of thirty-six (36) feet will be required.
- For minor streets a minimum pavement width of twenty-eight (28) feet will be required.
- Dead end streets shall be provided at the closed end with a paved turnaround having an outside diameter of at least eighty (80) feet.

- e) Right-of-way - Streets that are proposed for dedication to public use shall provide minimum right-of-way widths as follows:

Collector Street - 60 feet Minor Street - 50 feet

- f) Alignment and Grades - Streets shall be adapted to the topography and shall have suitable alignment and gradient for safety of traffic, satisfactory surface and ground- water drainage, and proper functioning of sanitary and storm sewer systems.

Centerline grades shall not be less than one half of one percent (.05%).

Centerline grades shall not exceed the following:

Collector Streets - Seven percent (7%).

Minor Streets - Twelve percent (12%).

Where the grade of any street at the approach to an intersection exceeds seven percent (7%), a leveling area of at least fifty (50) feet shall be provided having not greater than four percent (4%) grades.

- g) Intersections - Street intersections shall generally be at right angles. No street shall intersect another at an angle of less than seventy-five (75) degrees.

Intersections of more than two streets at one point shall be prohibited.

Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred fifty (150) feet between their centerlines.

Minimum curve radii at street intersections shall be as follows:

INTERSECTION	PAVEMENT EDGE
Collector with Public Road	35 feet
Collector with Collector	30 feet
Collector with Minor	25 feet
Minor with Minor	20 feet

- h) Street Surfacing - Streets shall be surfaced to the grades and dimensions shown on the street profile and cross-section plan submitted and approved with the final plan. The paving and wearing surface shall be constructed according to the following specifications:
Minor and Collector Streets - For construction of surface course and base course Pennsylvania Department of Transportation Specifications, 1970, Form 408/70 as amended or supplemented shall apply.

Specifically, the pavement base and wearing surface must be constructed according to the minimum requirements as follows:

- Top soil must be removed to subsoil. Subsoil used for fill must be compacted to satisfaction of the Board of Supervisors or Township Engineer.
- Base course shall consist of one (1) inch approved screening forming a cushion and then either four (4) inch ballast and four (4) inch of State approved crusher run or eight (8) inch of number 4 ballast with State approved screenings. The base course shall be measured after it has been compacted with a roller of not less than ten (10) ton in weight.
- A minimum of one and one-half (1 ½) inch ID2A Binder with a one (1) inch ID2A wearing surface shall be applied.

- The crown of the road or street shall have a fall of one-quarter (1/4) inch to the foot measured from the centerline to the cartway edges of the street or road.
- All other procedures and specifications or road or street construction must comply with the regulations of the Pennsylvania Department of Transportation.

SECTION 709 BLOCKS

The size and shape of blocks shall be determined with regard to:

- a) Zoning requirements as to lot size.
- b) Need for convenient access, automotive and pedestrian movement.
- c) Providing desirable lot depths for interior walkways and easements for utilities to be located within the block.

Blocks shall not exceed a maximum length of sixteen hundred (1600) feet.

SECTION 710 STREET LIGHTS

Street lights shall be provided to illuminate streets, driveways, and walkways for the safe movement of vehicles and pedestrians at night. Their type and location shall be shown on the plan.

SECTION 711 OFF-STREET PARKING AREAS

A paved off-street parking space for two (2) automobile vehicles shall be provided for each mobilehome lot. Required car parking spaces shall be so located as to provide convenient access to the mobilehome, but shall not exceed a distance of 100 feet from the mobilehome that it is intended to serve.

SECTION 712 WALKS

- a) All mobilehome parks shall be provided with common pedestrian walks on both sides of the street. Such walks shall be at least four (4) feet in width and shall commence at least four (4) feet outside of the curb line.
- b) All mobile home lots shall be connected to common pedestrian walks with an individual walk at least two (2) feet in width.

SECTION 713 CURBS

Curbs shall be installed along both sides of all streets. The Township Supervisors shall have the option of waiving curbs in areas where the lot frontage exceeds one hundred (100) feet. Curbs shall be concrete and either the vertical type or the rolled curb-and-gutter type. The transition

from one type of curb to another shall be made only at a street intersection, and adequate provisions shall be made for driveway entrances.

SECTION 714 RECREATION AREAS

- a) In all mobilehome parks a recreation area, or areas, with suitable facilities shall be maintained within the park for the use of all park residents.
- b) Land required for such recreation areas shall be not less than ten (10) percent of the gross site area. Such land should generally be provided in a centralized location, or decentralized in larger mobilehome parks.

SECTION 715 EASEMENTS

- a) Use - Easements shall be provided for all utilities not located in a street and for well-defined watercourses.
- b) Width - Utility easements shall have a minimum width of fifteen (15) feet. Easements for natural watercourses shall be of sufficient width to permit maintenance and provide for future flow.
- c) Location - Easements shall be centered on or adjacent to side and rear lot lines whenever possible.

SECTION 716 WATER SUPPLY

An adequate supply of safe water of satisfactory quality under adequate pressure shall be provided in all parks to all mobilehomes, service buildings and other accessory facilities. The mobilehome park shall be served by the extension of an existing or proposed public water supply system. The developer shall construct a system of water mains and connect with such public water supply system and provide a connection for each lot.

SECTION 717 SEWAGE DISPOSAL

An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobilehomes, service buildings and other accessory facilities. The mobilehome park shall be served by the extension of an existing public sanitary sewerage system. The developer shall provide a system of sanitary sewer mains and shall provide lateral connections to each mobilehome lot.

SECTION 718 STORM DRAINAGE

- a) General Requirements - Adequate storm sewers, culverts, and related facilities must be provided, as necessary, to:
 - Permit the unimpeded flow of natural watercourses.

- Ensure the drainage of all low points and swampy areas within the mobilehome park.
- Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drainage.
- Provide adequate drainage away from on-site sewage disposal facilities.

Storm drainage facilities must be designed to handle the anticipated peak discharge from the property being subdivided on the basis of a one hundred (100) year storm.

- b) Lot Drainage - Lots shall be laid out and graded to provide positive drainage away from new and existing buildings.
- c) Nearby Existing Facilities - Where adequate existing storm sewers are readily accessible, the subdivider must connect his storm water facilities to those existing sewers.
- d) Open Drainageways - When open drainageways are used for the disposal of storm water, the Township shall review the design of such open drainageways in relation to the following:
 - Safety: Steep banks and deep pools shall be avoided.
 - Erosion: Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary to prevent the erosion of banks and the scouring of the channel bottom.
 - Stagnation: Design of open drainageways shall not create stagnant pools or swampy areas.
- e) Abutting Properties - In the design of storm drainage facilities, special consideration must be given to excessive runoff to adjacent developed or undeveloped property. In no case may a change be made in the existing topography which would:
 - Result in a slope of more than ten (10) percent within twenty (20) feet of a property line.
 - Alter the existing drainage or topography in any way so as to adversely affect adjoining property.

In no case may any slope exceed the normal angle of slippage of the material involved. All slopes must be protected against erosion.

- f) Drainage Upon and On Streets - In order to give proper surface water drainage upon streets, a structure on a lot must be at a grade in satisfactory relationship:
 - With the established street grade, or

- With the existing street grade where none is established.

A street must be designed so as to provide for the discharge of surface water from its right-of-way. The slope of the crown on a street may not be less than 1/8 of an inch per foot and not more than 1/3 of an inch per foot. Adequate facilities must be provided at low points along a street and at other points at which it is necessary to intercept runoff.

- g) Storm Water Management - Storm water runoff from any given area to be developed shall be computed in accordance with Urban Hydrology for Small watersheds, Technical Release No, 555, prepared by the United States Department of Agriculture, January, 1975, or as may otherwise be acceptable to the Township. The design concept where runoff may affect downstream properties should be as follows:
- The release rate from storms up to ten (10) years in recurrence frequency shall be limited to the predevelopment flow rate from a two (2) year storm.
 - The release rate from storms from up to one hundred (100) years in recurrence frequency shall be limited to the predevelopment flow rate from a ten (10) year storm.
 - Retention facilities shall be designed to retain the differences and flow rates per above. Where the storm water management plan provides for roof drain and/or driveway drain infiltration facilities, these must be protected by filter fabric and in the case of roof drain facilities, provide for sediment filtering at the roof and for a clean out at ground level.
 - The emergency spillways from such facilities shall be designed based on a one hundred (100) year storm.
- h) Storm Drainage Facilities - Whenever the evidence available to the Board of Supervisors indicates that natural surface drainage is inadequate to meet the requirements of Section 512 of this Ordinance, the subdivider or land developer shall install a storm water drainage system in accordance with plans and profiles designed to meet the approval of the Township Engineer. In addition, drainage structures for areas of more than one-half mile square shall be subject to approval by the Pennsylvania Department of Environmental Protection. All installation shall be in accordance with approved plans and profiles, with the requirements of this Ordinance, and shall be approved by the Township Engineer.
- i) Storm Water Detention Basins - Whenever the evidence available to the Township indicates that a storm water detention basin is necessary to control the rate of storm water runoff from the site, the subdivider or land developer shall install a detention basin in accordance with approved design, calculations, plans and profiles. Design and construction of detention basins shall meet the requirements of U. S. Department of Agriculture, Soil Conservation Service, "Engineering Field Manual", Agriculture Handbook No. 387 "Ponds", and Technical Release No. 55, "Urban Hydrology for Small Watersheds", and be designed on the basis of a one hundred (100) year storm.

When in the opinion of the Township Supervisors and Township Engineer, it is necessary to protect against burrowing animals, a minimum of one (1) foot thick layer of rip-rap shall be placed on both sides and at the top of storm water detention basins. The rip-rap shall be hand placed one hundred fifty (150) pound size as specified by U.S.D.A. Conservation Service Engineering Manual. The rip-rap shall be covered with a minimum one (1) foot thick layer of soil to provide a seed bed for grass cover. In place of rip-rap, the developer may provide a four (4) inch thick layer of gunnet or shotcrete.

Where the subdivision or land development proposing the storm water detention basin proposes residential development, the slopes on such detention basin may not exceed two and one-half to one.

- j) Maintenance - The subdivider or land developer must make adequate provision for the perpetual maintenance of all storm water management facilities proposed by his subdivision or land development plan.

The subdivider or land developer shall in addition provide for an easement enabling the Township to perform emergency maintenance in the event the property owner should fail to do so and shall establish a procedure whereby the Township shall be able to assess the cost of such emergency maintenance upon the owner of the land where the detention basin or other storm water management facility is located, by the filing of a municipal lien.

SECTION 719 UTILITY SYSTEMS

Electric, telephone and other utility facilities shall be provided as necessary within the mobilehome park. Such utilities shall be installed underground and maintained in accordance with the local utility company's specifications regulating such systems.

SECTION 720 FIRE HYDRANTS

- a) Fire hydrants shall be installed if their water supply source is capable to serve them in accordance with the requirements of the local fire authority.
- b) Fire hydrants, if provided, shall be located within six hundred (600) feet of any mobilehome, service building or other structure in the park, and shall be installed in accordance with all applicable regulations.

SECTION 721 SERVICE BUILDING AND OTHER COMMUNITY SERVICE FACILITIES

- a) Every mobilehome park shall have a structure clearly designated as the office of the mobilehome park manager.
- b) Service and accessory buildings located in a mobilehome park shall be used only by residents of the mobilehome park.

ARTICLE VIII

ADMINISTRATION AND ENACTMENT

SECTION 801 ENFORCEMENT

It shall be the duty of the Building Inspector, Zoning Officer, or such other official who is properly authorized by the Township Board of Supervisors to enforce the provisions of this Ordinance. The Enforcement Officer shall require that the application for a building or zoning permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved land development. No building or zoning permit shall be issued until the Enforcement Officer has certified that the site for the proposed building, alteration, or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded Final Plan.

SECTION 802 MODIFICATIONS

- a) The regulations embodied in this Ordinance are the minimum standards for the protection of the public welfare. When special circumstances warrant, the Township may impose stricter standards.
- b) Where a provision of this Ordinance would cause unique and undue hardship as it applies to a particular property, the Board of Supervisors may grant a modification from the strict application of the terms of this Ordinance if the variation will not be detrimental to the general welfare, nullify the objectives of these regulations or conflict with the Comprehensive Plan. In granting the modification the Board of Supervisors may impose conditions, which will substantially secure compliance with the purposes of this Ordinance.

SECTION 803 AMENDMENTS

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

SECTION 804 FEES

- a) Filing a Preliminary Plan - At the time of filing a preliminary plan, the subdivider or land developer shall pay to the Township as a basic filing fee the total of the following:
 - 1) The York County Planning Commission fees in such amounts as shall from time to time be set by the York County Planning Commission, which fees are herewith automatically adopted by the Township in their present amounts, or as amended from time to time.
 - 2) The Township basic filing fee in such amounts as shall be set by the Hopewell Township Board of Supervisors from time to time by resolution.

- b) Filing a Final Plan - At the time of filing a final plan, the subdivider or land developer shall pay to the Township as a basic filing fee the total of the following:
 - 1) The York County Planning Commission fees in such amounts as shall from time to time be set by the York County Planning Commission, which fees are herewith automatically adopted by the Township in their present amounts, or as amended from time to time.
 - 2) The Township basic filing fee in such amount as shall be set by the Hopewell Township Board of Supervisors from time to time by resolution.

- c) Filing a Land Development Plan - At the time of filing a land development plan, the subdivider or land developer shall pay to the Township as a basic fee:
 - 1) The York County Planning Commission fees in such amounts as shall from time to time be set by the York County Planning Commission, which fees are herewith automatically adopted by the Township in their present amounts, or as amended from time to time.
 - 2) The Township basic filing fee in such amounts as shall be set by the Hopewell Township Board of Supervisors from time to time by resolution.

- d) In the event that the Board of Supervisors schedules a special meeting for the consideration of any subdivision or land development plan, or any matters relating to a subdivision or land development plan, when requested or agreed to by the subdivider or land developer, then the subdivider or land developer shall be required to pay a separate fee for the scheduling of such special meeting in an amount to be established by the Board of Supervisors by Resolution, which fee shall be paid to the Township prior to the scheduling of the special meeting.

- e) In the event the reasonable costs incurred by the Township on account of the items set forth below and the reasonable costs as estimated by the Township engineer and/or solicitor to

be incurred on account of the items below exceed or are estimated to exceed the Township basic filing fee, the subdivider or land developer shall pay such excess to the Township prior to approval of the final plan.

- 1) An amount determined by the Township Engineer and the Township Solicitor or Hopewell Township Planning Commission Solicitor, to cover the reasonable cost of:
 - a. Reviewing the subdivision or land development plan engineering in detail;
 - b. Inspecting the site for conformance of survey;
 - c. Preparing the cost estimates of required improvements;
 - d. Inspecting of required improvements during installation;
 - e. Final inspection on completion or installation of required improvements;
- 2) Legal fees incurred by the Township during the time the plan is being reviewed by the Planning Commission and Supervisors.
- 3) An administrative fee in an amount to be determined by the Township Board of Supervisors from time to time by resolution for each meeting of the Planning Commission or Board of Supervisors during which the preliminary plan or final plan is reviewed.
- 4) Reasonable costs of site review by the Zoning Officer and/or by the Township Agricultural Committee.
- 5) Other administrative, engineering and legal services necessary for evaluating and processing the proposed subdivision or land development including the preparation of any necessary development agreements and/or security arrangements. (Both preliminary and final plan).
- f) Any engineering, legal and administrative costs in excess of the amount submitted prior to approval of the final plan, shall be paid promptly by the subdivider or land developer upon being notified of the same by the Township. Any excess paid over the amount actually required to cover such costs shall be returned to the subdivider or land developer upon completion of the required improvements.
- g) The total fee for filing a final plan shall in no event be less than the basic filing fee set forth in subsections a), b), and c) of this section.
- h) No final plan shall be approved until all fees and charges required by this section have been paid in full and any and all unpaid fees incurred in connection with previously submitted subdivision or land development plans for any land included within the proposed

subdivision or land development whether or not such plans were submitted by the present owner of such land have been paid in full.

SECTION 805 PENALTIES

No lot in a land development shall be sold, rented, leased or conveyed in any manner; no permit to erect, alter or repair any building upon land in a land development shall be issued; and no building shall be erected in a land development until a Final Plan of such land development has been approved and properly recorded and until improvements have been either constructed or guaranteed.

Any person, partnership, or corporation who or which being the owner or agent of any lot, tract or parcel of land shall lay out, construct, open and dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by use of a plan of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this ordinance and has been recorded as provided herein or who in any other way be in violation of any of the provisions of this ordinance shall upon being found liable therefore in a civil proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the ordinance to have believed that there was no such violation, in which event, there shall be deemed to have been only one such violation until the fifth day following the date of determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

SECTION 806 PREVENTIVE REMEDIES

In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations of this Ordinance, to prevent unlawful construction, to recover damages 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 further refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a

subdivision of real property in violation of this ordinance. The authority to deny such permit or approval shall apply to any of the following applicants:

- a) The owner of record at the time of such violation.
- b) The vendee or lessee of the owner of record at the time of such violation without regard to whether such vendee or lessee had actual or constructive knowledge of the violation.
- c) The current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual constructive knowledge of the violation.

SECTION 807 REPEALER

All ordinances or portions of ordinances inconsistent herewith are hereby repealed.

SECTION 808 INTERPRETATION

The provisions of this Ordinance shall be held to be minimum requirements to meet the purpose of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance, or regulation shall prevail.

SECTION 809 SEVERABILITY CLAUSE

If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by a recognized court of the Commonwealth, such decision shall not affect the legality of the remaining sections, clauses, provisions or portions of this Ordinance.

SECTION 810 ENACTMENT

This Ordinance as amended shall take effect five (5) days after adoption according to law.

Adopted by the Board of Supervisors of Hopewell Township, York County, Pennsylvania this 6th day of May A.D., 1974.

Board of Supervisors
Hopewell Township
York County, Pennsylvania

By: /s/ C. Dale Winemiller
Chairman

/s/ Harry M. Maddox
Vice-Chairman

/s/ Austin H. Anderson
Member

Attest:

/s/ Virginia H. Davis
Secretary

Including amendments approved, adopted, and enacted through August, 2003.