

CITY OF LANCASTER, PENNSYLVANIA

PROPOSED SUBDIVISION

AND

LAND DEVELOPMENT

ORDINANCE

November 2015

This Ordinance will replace in its entirety the current
Subdivision and Land Development Ordinance – 1997, as amended.

CITY OF LANCASTER SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

TABLE OF CONTENTS

Article I: General ProvisionsPage 4

- § 265-1 Title and effective date.
- § 265-2 Authority.
- § 265-3 Purpose.
- § 265-4 Application.
- § 265-5 Fees.
- § 265-6 Fee disputes.
- § 265-7 Consistency with Comprehensive Plan.
- § 265-8 Relationship to other laws and regulations.
- § 265-9 Repealer.

Article II: Definitions Page 7

- § 265-10 Interpretation.
- § 265-11 Terms defined.

Article III: Administration and Modifications Page 16

- § 265-12 Modifications and waivers.
- § 265-13 Records.
- § 265-14 Amendments.
- § 265-15 Interpretation and conflict.

Article IV: Sketch Plan Page 18

- § 265-16 Purpose.
- § 265-17 Pre-application conference.
- § 265-18 Sketch plan review by Commission.
- § 265-19 Sketch plan review requirements.

Article V: No Impact, Minor and Preliminary Plan Procedures and RequirementsPage 21

- § 265-20 No impact subdivision and land development.
- § 265-21 Minor plan submission and recording requirements.
- § 265-22 Waiver of preliminary plan filing requirements.
- § 265-23 Preliminary plan submission procedures.
- § 265-24 Sketch plan option preceding the filing of a final plan.
- § 265-25 Plan validity.
- § 265-26 Minor and preliminary plan specifications and data.
- § 265-27 Construction of improvements.

Article VI: Final Plan Procedure and Requirements Page 33

- § 265-28 Unconditional plan approval preceding City permits.
- § 265-29 Final plan submission procedures.
- § 265-30 Dedication of streets and other areas for public use.
- § 265-31 Required final plan specifications and data.
- § 265-32 Construction of improvements.

Article VII. Design and Improvement Standards Page 41

- § 265-33. Public streets.
- § 265-34. Access drives and driveways.
- § 265-35. Easements.
- § 265-36. Blocks.
- § 265-37. Lots.
- § 265-38. Stormwater management.
- § 265-39. Floodplain/flood-prone areas.
- § 265-40. Water distribution system.
- § 265-41. Sanitary sewers.

Article VIII: Traffic and TransportationPage 57

- § 265-42 Purpose.
- § 265-43 Design standard.
- § 265-44 Levels of traffic/transportation impact study.
- § 265-45 Parking lot safety.
- § 265-46 Plan approval.

Article IX: Parks and Recreational FacilitiesPage 62

- § 265-47 Provision of parks and recreational facilities.
- § 265-48 Plan requirements for parks and recreational facilities.
- § 265-49 Payment of fees in lieu of dedication or reservation.

Article X: Improvement Construction Assurances Page 65

- § 265-50 Improvement required.
- § 265-51 Construction standards.
- § 265-52 Inspection of required public improvements.
- § 265-53 Inspection of required private improvements.
- § 265-54 Improvement construction guaranty.
- § 265-55 Inspection during construction.
- § 265-56 Dedication of improvements.
- § 265-57 Maintenance guaranty.
- § 265-58 Remedies to effect completion of improvements.

Article XI: Violations and penalties Page 71

- Appendices: A – Certificates; B – Preliminary Plan Developer’s Agreement;
- C – Final Plan Developer’s Agreement; D – Lancaster County-wide Communications

Chapter 265: SUBDIVISION AND LAND DEVELOPMENT

Article I: General Provisions

§ 265-1 Title and effective date.

§ 265-2 Authority.

§ 265-3 Purpose.

§ 265-4 Application.

§ 265-5 Fees.

§ 265-6 Fee disputes.

§ 265-7 Consistency with Comprehensive Plan.

§ 265-8 Relationship to other laws and regulations.

§ 265-9 Repealer.

§ 265-1 Title and effective date.

This chapter shall be known and may be cited as "The City of Lancaster Subdivision and Land Development Ordinance."

§ 265-2 Authority.

This chapter is adopted pursuant to the authority provided to the City of Lancaster under the Pennsylvania Municipalities Planning Code (MPC), Act of 1968, P.L. 805, No. 247, as amended, and shall govern subdivisions and land developments within the corporate limits of the City of Lancaster.

§ 265-3 Purpose.

The purpose of this chapter is to protect the public health, safety and general welfare; to promote and ensure orderly growth and development; to protect historic resources; to implement provisions of the Comprehensive Plan; to ensure consistency with the official map, Stormwater Management Ordinance, and City Zoning Ordinance; and to encourage innovative and sustainable land planning and development.

§ 265-4 Application.

- A. The standards for development contained or referenced within this chapter shall be applicable to any subdivision or land development project within the City of Lancaster.
- B. Any plan prepared for the purpose of subdivision or land development for land situated within the corporate limits of the City of Lancaster, Pennsylvania, shall be submitted in accordance with the provisions contained herein. These regulations shall apply to any proposed land development or subdivision of a lot, as defined herein, whether immediate or future, including the resubdivision or replatting of land or lots.
- C. No street or alley, sanitary sewer or stormwater sewer systems, water line, utility line or other public or private facility in connection with a proposed land development or subdivision or resubdivision of land shall be laid out, constructed, opened or dedicated for public use except in accordance with the provisions of this chapter and other applicable standards and regulations of the City.

- D. Any non-building improvements depicted on an approved preliminary or final plan may be installed prior to the recording of a final plan; however, if the owner/developer records a final plan prior to the improvements having been installed and approved by the City of Lancaster, an improvement construction guaranty shall have first been submitted to and accepted by the City as a condition of recording the plan.
- E. No building permit shall be issued nor shall any connection with or extension to the public water, stormwater and sanitary sewer facilities operated by the City of Lancaster, Pennsylvania, be made until unconditional final plan approval of said land development or subdivision has occurred.

§ 265-5 Fees.

Preliminary and final plan filing fees shall be paid by the applicant at the time of formal plan submission, and review fees to reimburse the City for reasonable and necessary charges by the City Engineer or the City's professional consultants, including the City Solicitor, for the review of plans and reports thereon shall be paid by the applicant prior to plan approval. Application filing fees and review fees billed to the applicant shall be based upon a schedule established by City Council resolution.

- A. Filing fees include the basic review fee, the additional sheet review fee, supplemental report fees, fees for modifications and waivers, and planning module processing fee.
- B. Professional consultant or engineer fees shall include reasonable and necessary charges to review and report to the City of Lancaster on the plan application and accompanying reports pertaining to stormwater management, water or sewer main capacities, traffic impacts and improvements, environmental impacts and mitigation actions, or other studies deemed necessary by the City.
- C. Legal fees shall include reasonable and necessary charges of the City Solicitor.
- D. Inspection fees shall include reasonable and necessary expenses incurred by the City for the inspection of improvements as required prior to dedication to the City or release from any required financial guaranty.
- E. Fees for public hearings or official map amendments related to an application filed under this ordinance shall include required legal notices and charges of the City Solicitor and any fees incurred by the City for legal publications and court reporters.

§ 265-6 Fee disputes.

- A. In the event the applicant disputes the amount of any review fee, the applicant shall, no later than 100 days after the date of transmittal of the bill to the applicant, notify the City and the City's professional consultant that such fees are disputed. A fee dispute shall not delay or be cause for plan disapproval. Failure of the applicant to dispute a bill within 100 days shall be a waiver of the applicant's right to arbitration of that bill under Section 510 (g) of the MPC.
- B. In the event the applicant and the City cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the City shall follow the procedure for dispute resolution, as set forth in Sections 503(1) and 510(g) of the Pennsylvania Municipalities Planning Code (MPC) provided that the professionals resolving such dispute

shall be of the same profession or discipline as the consultants whose fees are being disputed.

§ 265-7 Consistency with Comprehensive Plan.

Subdivisions and land development plans adopted pursuant to this chapter shall be consistent with the goals and objectives of the City of Lancaster Comprehensive Plan, as adopted or amended by City Council.

§ 265-8 Relationship to other laws and regulations.

In their interpretation and application, the provisions of this chapter shall be minimum requirements. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the highest standards, shall govern.

§ 265-9 Repealer.

The City of Lancaster Subdivision and Land Development Ordinance, Ordinance No. 15-1997, as amended, and referenced in the City Code as Chapter 265, is hereby specifically repealed, as well as all ordinances or parts of ordinances inconsistent herewith; provided that plans currently filed with the Commission or for which permits have been issued shall be processed and reviewed under the 1997 ordinance, as amended. However, the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue or prosecute, as the case may be, any proceeding at law or in equity, including criminal proceedings, pertaining to any act done which would have constituted a violation of the ordinances or parts of ordinances repealed hereby, or their applicable predecessor ordinances, and all provisions of said repealed ordinances shall remain in full effect and force, and not repealed hereby, as they pertain to said acts.

Chapter 265: SUBDIVISION AND LAND DEVELOPMENT

Article II: Definitions

§ 265-10 Interpretation.

§ 265-11 Terms defined.

§ 265-10 Interpretation.

A. General rules of interpretation.

The language set forth in the text of this chapter shall be interpreted in accordance with the following rules:

- (1) Words used or defined in one tense or form shall include other tenses or derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- (3) The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.
- (4) The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, limited liability companies, associations and any other similar entities.
- (5) The word "building" includes the word "structure" and shall be construed as if followed by the words "or a part thereof."
- (6) The word "lot" includes the words "plot," "tract," and "parcel."
- (7) The word "watercourse" includes the words "drain," "ditch," and "stream".
- (8) The words "shall," "must," and "will" are mandatory in nature and establish an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.
- (9) The time within which any act required by this Ordinance is to be performed shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Pennsylvania General Assembly, it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.
- (10) Any words not defined in this article or in Section 107 of the Pennsylvania Municipalities Planning Code shall be construed as defined in standard reference dictionary usage or other applicable City of Lancaster Ordinance.

- (11) In case of any difference of meaning or implication between the text of this chapter and any caption, illustration or table, the text shall control. No caption, illustration or table shall be construed to limit the scope or intent of the text of this chapter.

§265-11 Terms defined

ACCESS DRIVE – A private drive providing vehicular access from a street to a parking and/or loading and unloading area for multifamily dwellings (three or more units in a building on a single lot) or for properties that have a nonresidential use, or providing vehicular access between parking areas within a land development.

ADT (Average Daily Traffic) – The average 24-hour volume of vehicles at a given point or section of highway.

APPLICANT – A landowner or developer, as hereinafter defined, including his/her heirs, successors and assigns, who has filed an application for land development and/or subdivision.

APPLICATION – A submission of plans and accompanying documentation for subdivision or land development required to be filed and approved prior to the start of construction or development.

AREAWAY – A passageway between parts of a building or between different buildings, or a sunken area leading to a basement entrance or in front of basement windows.

BICYCLE LANE – A portion of the roadway or travel lane designated by striping, signing or pavement markings for the preferential and exclusive use of bicyclists.

BLOCK – An area of land entirely surrounded by public or private streets, water bodies, railroad rights-of-way, other natural or man-made barriers or any combination thereof.

BMP (Best Management Practice) – See definition of “BMP” as set forth in the City of Lancaster Stormwater Management Ordinance, City Code Chapter 260.

BUILDING – A structure used or intended for supporting or sheltering any occupancy. Where the context requires, the word “building” shall be construed as though followed by the words “or parts thereof.”

BUILDING FOOTPRINT – The area of land covered by a building and defined by the location of exterior foundation or building walls.

BUILDING SETBACK LINE – See "Setback Line."

CARTWAY – The paved surface of a street or alley available for use by motorized and nonmotorized vehicular traffic.

CERTIFICATE OF APPROPRIATENESS – The document, approved by City Council, which certifies the historical appropriateness of certain regulated activities to be undertaken by the applicant. For subdivision or land development plans within the Heritage Conservation District, see definition of "certificate of appropriateness" as set forth in the City of Lancaster Heritage Conservation District Ordinance, City Code Chapter 155, Article II. For subdivision

or land development plans within the Historic District, see definition of "certificate of appropriateness" as set forth in the City of Lancaster Historic District Ordinance, City Code Chapter 155, Article I.

CHIEF PLANNER – A professional planner employed by the City as Chief of the Bureau of Planning and designated as the Chief Planner or a qualified person designated by the Chief Planner to perform such functions as delegated by this chapter to the Chief Planner.

CITY – In the text of this chapter, the word "City" shall refer to the City of Lancaster, Pennsylvania.

CITY ARBORIST – The Arborist/Horticulturist of the City of Lancaster, as supervised by the Director of Public Works or his/her designee, or any urban tree professional employed or contracted by the City within the Bureau of Operations and designated with the responsibilities set forth in Chapter 273. Trees (the City's Shade Tree Program)

CITY ENGINEER – A professional engineer registered by the Commonwealth of Pennsylvania and employed or retained by the City and designated as the City Engineer.

CITY SOLICITOR – An attorney recognized by the Commonwealth of Pennsylvania and retained by the City for legal matters.

CITY TRAFFIC ENGINEER – A traffic engineer employed or retained by the City.

COMMISSION – The Lancaster City Planning Commission.

COMPLETE STREETS POLICY – The commitment made by City Council with Administration Resolution No. 27-2014 to incorporate Complete Streets planning, design and operation in future street, sidewalk, and other transportation projects in order to promote design that accommodates safe and convenient travel by all users, including pedestrians, bicyclists, transit riders and motor vehicle drivers, and that incorporates green infrastructure measures, where appropriate.

COMPREHENSIVE PLAN – The official public document prepared and adopted by the City of Lancaster in accordance with the Pennsylvania Municipalities Planning Code, consisting of maps, charts and textual material, that constitutes a policy guide to decisions about the physical and social development of the municipality and known or referred to as the City of Lancaster Comprehensive Plan.

CONDOMINIUM – A multiple-unit project (two or more units of occupancy) in which there is a system of separate ownership of individual units, as regulated by the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A. §§ 3101 et seq., as amended, or other applicable laws of the Commonwealth of Pennsylvania.

CONSISTENCY – An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship.

CONSTRUCTION – The act of creating or modifying a physical object including land, buildings, structures and infrastructure.

COUNTY RECORDER OF DEEDS – The Office of the Lancaster County Recorder of Deeds.

CROSSWALK – A specifically paved or marked path for pedestrians crossing a street, access drive or travel lane.

CUL-DE-SAC – A street or alley having one of its ends open to vehicular traffic from another street or alley and being terminated at the other end, with a vehicle turnaround area.

CYCLE TRACK – An accommodation for bicycle travel within the public right-of-way intended exclusively or primarily for bicycles and separated from motor vehicle travel lanes, parking lanes and sidewalks.

DECLARATION – The instrument by which the owner of property submits the property to the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A. §§ 3101 et seq., as amended, or other applicable laws of the Commonwealth of Pennsylvania.

DECLARATION PLAN – A survey of a property prepared in accordance with this chapter and the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A. §§ 3101 et seq., as amended, or other applicable laws of the commonwealth.

DEP – The Department of Environmental Protection of the Commonwealth of Pennsylvania.

DETENTION BASIN – See definition of "detention basin" as set forth in the City of Lancaster Stormwater Management Ordinance, City Code Chapter 260.

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

DEVELOPMENT – Physical changes or improvements to land, including but not limited to filling, grading, paving, excavation, drilling operations, dredging, mining or building of structures.

DRIVEWAY – A private drive providing vehicular access between a street and parking area for a single- or two-family dwelling.

DRIVEWAY APRON – The sloped area between the sidewalk and the curb of a driveway that provides reinforcement for vehicular traffic while allowing pedestrians to cross at grade from the adjoining sidewalk area.

DWELLING – A building or part thereof occupied as a residence.

EASEMENT – An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specified limited purpose.

ENGINEER – A professional engineer registered by the Commonwealth of Pennsylvania.

FLOODPLAIN –

- (a) 100-YEAR FLOODPLAIN – The area of land adjacent to a watercourse that is subject to inundation by a 1% annual chance flood, also known as the “100-year flood,” which must be able to carry the 100-hundred-year floodwater without increasing the water surface elevation of that flood and is delineated by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map or other hydrological study or information acceptable to the City and Commonwealth of Pennsylvania.
- (b) 500-YEAR FLOODPLAIN – The area of land adjacent to a watercourse that is subject to inundation by a 0.2% annual chance flood, also known as the “500-year flood,” which must be able to carry the 500-year floodwater without increasing the water surface elevation of that flood and is delineated by the FEMA Flood Insurance Rate Map or other hydrological study or information acceptable to the City and Commonwealth of Pennsylvania.
- (c) APPROXIMATE FLOODPLAIN – An area with known flooding that has not been studied by detailed hydrologic or hydraulic methods and is delineated by the FEMA Flood Insurance Rate Map as Zone A, an area where no base flood elevation has been determined.

FLOOD PRONE AREA – Any area of land subject to flooding due to current soil conditions, topography or relationship to springs, streams, rivers or other water sources, including but not limited to areas known to be susceptible to flooding and/or identified on the Federal Emergency Management Agency Flood Insurance Rate Map for the City of Lancaster, or other hydrologic report prepared by the Commonwealth or federal government, or by an individual registered in the Commonwealth of Pennsylvania to perform such studies and which has been approved by an agency of the City, County of Lancaster, Commonwealth or United States government.

GREEN INFRASTRUCTURE - Small-scale stormwater management practices, nonstructural techniques, and site planning practices to mimic natural hydrologic runoff characteristics and minimize the impact of development on water resources.

HERITAGE CONSERVATION DISTRICT – The geographic area of the City delineated and regulated by the City of Lancaster Heritage Conservation District Ordinance, City Code Chapter 155, Article II.

HISTORIC DISTRICT – The geographic area of the City delineated and regulated by the City of Lancaster Historic District Ordinance, City Code Chapter 155, Article I.

HORIZON YEAR – The anticipated time of full build-out and occupancy of a development.

IMPROVEMENTS – Physical changes to the land associated with a subdivision or land development plan, including, but not limited to a building(s) and building additions, structures, streets, gutters, curbs, street lights, signs, water, sanitary and storm sewer mains and appurtenances, stormwater structures, walkways, sidewalks, recreational facilities, open space improvements, shade trees, buffers and landscaping and all other additions to the tract which are deemed necessary to result in a complete project.

IMPROVEMENT, PUBLIC – Improvements for which the municipality may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which municipal responsibility is established.

LAND DEVELOPMENT

(a) Land development shall include the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

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

(b) The following development shall be excluded from the definition of land development:

- [1] The conversion of an existing building into not more than three residential units, unless such units are intended to be a condominium.
- [2] The conversion of an entire lot, parcel or tract of real estate into condominiums shall not, in and of itself, constitute a subdivision or land development for purposes of this chapter where the conversion involves no land development activities, including no division or allocation of land or space or change in lot lines, but simply memorializes a change in the form of ownership. This exclusion is adopted pursuant to 68 Pa.C.S.A. § 3106 of the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq.
- [3] The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park.
- [4] The combining of two or more adjacent lots or tracts of land under the same ownership.

LANDOWNER – The legal, beneficial, equitable owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a leaseholder (if the party is authorized under the lease to exercise the right of the landowner) or other person having a propriety interest in land.

LANDSCAPE ARCHITECT – A landscape architect registered by the Commonwealth of Pennsylvania.

LCPC – Lancaster County Planning Commission

LOS (Level of Service) – A qualitative measure used to relate the quality of traffic service and delay.

LOT – A designated parcel, tract or area of land established by a plan or otherwise as permitted by law and to be used, developed or built upon as a unit and having at least sufficient size to meet the minimum requirements of the City of Lancaster Zoning Ordinance, City Code Chapter 300.

LOT AREA – The land area contained within lot lines, excluding space within all public or private streets or alleys, but including the area contained in any easement and generally expressed in acres or square feet.

LOT FRONTAGE – The frontage of a lot shall be construed to be that portion of the lot adjacent to a public street and abutting the right-of-way.

LOT LINE – A line, generally established by bearings and distances, which, when connected with other lot lines, delineates the boundary of a lot.

MODIFICATION – A process to adjust or vary the requirements of one or more provisions within this chapter when such modification will not be contrary to the public interest and when, owing to unique physical circumstances or conditions peculiar to the property, a literal enforcement of this chapter would result in unnecessary and undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.

MPC – The Pennsylvania Municipalities Planning Code, as amended or superseded from time to time.

MS4 (Municipal Separate Storm Sewer System) – A conveyance system owned by the municipality that discharges to waters of the Commonwealth of Pennsylvania that is designed or used to collect or convey stormwater (including pipes, storm drains, ditches, swales, etc.)

OFFICIAL MAP – The map of the City showing existing and proposed public streets, alleys, sidewalks and pedestrian easements, as adopted and amended from time to time by the Lancaster City Council pursuant to MPC Article IV, Official Map.

PLAN – A map or drawing, intended to be recorded in the County Recorder of Deeds office, indicating the development, subdivision or resubdivision of land.

PRINCIPAL BUILDING – A building in which is conducted the principal use of the lot on which the building is situated. Also, any building containing a dwelling unit on the same lot with another principal building shall be deemed a principal building.

PUBLIC IMPROVEMENT STANDARDS – A document which defines the standards and criteria for the construction of publicly dedicated facilities.

RECONSTRUCTED STREET/PARKING LOT – The removal of the asphalt/paving course down to the stone base or beyond. Milling of a wearing course which does not expose aggregate base material does not constitute reconstruction.

RIGHT-OF-WAY – The total width of any land reserved or dedicated as a street, alley or sidewalk, or for any other public or private purpose.

SETBACK LINE – A line drawn parallel with a right-of-way line or lot line and being drawn a distance therefrom by the amount of the front, side or rear yards required by the City of Lancaster Zoning Ordinance, City Code Chapter 300.

SIGHT TRIANGLE OR CLEAR SIGHT TRIANGLE – A triangle which is established on corner lots or at the intersection of access drives, driveways, parking lot aisles and streets by the placement of two lines of a prescribed length along the right-of-way line of streets or along curbs or edges of paving or aisles, which are then connected by a line forming the triangle, in which no object can be placed which would obstruct vehicular visibility.

STAFF – The professional personnel within the Bureau of Planning of the City of Lancaster and other City personnel participating in the plan review and approval process.

STORMWATER MANAGEMENT SITE PLAN – A plan prepared in accordance with the City of Lancaster Stormwater Management Ordinance, City Code Chapter 260, as amended, with supporting documentation which identifies all existing and proposed facilities for stormwater drainage and control.

STREET – A parcel of land intended to be used for motorized and non-motorized vehicular and pedestrian circulation, whether designed as a thoroughfare, throughway, highway, parkway, road, avenue, boulevard, lane, alley, place, or however otherwise titled, and including the total right-of-way.

- (a) ARTERIAL STREETS – Streets which are used or designed for large volumes of traffic and which are utilized by traffic destined for or through the urban area.
- (b) COLLECTOR STREETS – Streets which collect traffic from the minor street system for distribution onto the arterial street system; collector streets also service vehicular traffic circulating within or between various urban neighborhoods.
- (c) LOCAL STREETS – Streets which primarily provide vehicular access to abutting properties and, generally, feed onto the collector street system.
- (d) ALLEY – A minor right-of-way primarily used for vehicular access to the side or rear of a property and which intersects another alley or street.

STREETSCAPE DESIGN GUIDELINES – Standards issued by the City and used as a guide for the installation of sidewalks, crosswalks, street trees, landscape containers, sidewalk furnishings, lighting and other streetscape elements within a right-of-way.

STREET, PRIVATE – A street or alley which has never been dedicated by the landowner or abutting property owners to the City, or a street that has been offered for dedication but never officially accepted by the City for placement on the official map.

STREET, PUBLIC – A street or alley which has been dedicated to and accepted by the City of Lancaster and has been placed on the official map.

STREET RIGHT-OF-WAY – See "Right-of-way."

STREET TREE – Any shade tree planted in the right-of-way, including but not limited to between a street curb or cartway and a sidewalk. For the purpose of this chapter, a street

tree shall also include any shade tree located within any properly executed and recorded easement on private property on the side of a sidewalk opposite the street.

STUB STREET – A short dead-end street, not exceeding a length of 250 feet, which is a portion of a street that has been approved in its entirety. Stub streets may extend to a property line to permit connection of streets in adjoining subdivisions which are existing, planned or may be constructed in the future.

SUBDIVISION – The division or redivision of a single lot, tract or parcel of land by any means into two or more lots, tracts or parcels (including changes in existing lot lines) for the purpose, whether immediate or future, of lease or transfer of ownership.

SURVEYOR – A professional surveyor registered in the Commonwealth of Pennsylvania.

TEMPORARY TURNAROUND – An improved nonpermanent area which facilitates vehicle turnarounds until such time as the right-of-way is extended to connect with another improved right-of-way.

TOPOGRAPHIC MAP – A map or drawing showing the elevation of the ground through the use of contours and/or elevation points.

TREE TRENCH – A system of trees or other landscaping connected by an infiltration system consisting of porous pavers, engineered or structural soil, underdrains or other material designed to capture and infiltrate stormwater runoff.

UNIT OF OCCUPANCY – A single residential or nonresidential space within a building that is independent of other spaces by means of vertical and/or horizontal divisions.

WAIVER – A grant relief from an ordinance requirement or process.

ZONING ORDINANCE – The current Zoning Ordinance, as amended, of the City of Lancaster, Pennsylvania.

Chapter 265: SUBDIVISION AND LAND DEVELOPMENT

Article III: Administration and modifications

§ 265-12 Modifications and Waivers.

§ 265-13 Records.

§ 265-14 Amendments.

§ 265-15 Interpretation and conflict.

§ 265-12 Modifications and waivers.

- A. The provisions of this chapter are minimum standards for the protection of the public welfare. However, the Commission shall have the power to modify any provisions of this chapter as may be necessary in the public interest as follows:
- (1) Where the developer can show that the strict application of any provision of this chapter is unreasonable or will cause undue hardship, or that an alternative standard will provide equal or better results, the Commission may modify the strict terms and conditions of the chapter so that substantial justice may be done and the public interest secured; provided, however, that such modification will not have the effect of nullifying the intent and purpose of this chapter.
 - (2) In granting modifications and waivers, the Commission may impose such conditions as will substantially secure the objectives of the standards or requirements so modified or waived.
- B. All requests for modifications to or waivers of chapter standards shall be in writing, shall include the reasons for requesting a modification or waiver and shall be accompanied by the fee referenced in § 265-5.
- (1) Any request for a modification of § 265-4B, which requires formal plan submission and approval, shall be accompanied, if required by the City, by a sketch plan in accordance with § 265-19.
 - (2) Requests for modifications to chapter standards shall accompany the plan submission or precede the submission if recommended by staff.
- C. A modification to waive the preliminary and final plan filing requirements may be granted by the Chief Planner for no impact subdivision and land development as per §265-20, where it is determined by the City of Lancaster Bureau of Planning (hereinafter Planning Bureau) that the proposed subdivision or land development does not exceed the thresholds listed in §265-20, A and B.

§ 265-13 Records.

The Commission shall maintain an accurate public record of all the plans upon which it takes action and of its findings, decisions and recommendations in relation thereto. Likewise, the Planning Bureau shall keep a record of any administrative action it takes with respect to no impact subdivision or land development projects.

§ 265-14 Amendments.

The Commission may, from time to time, recommend to the City Council the need to amend this chapter; however, such amendments shall not be in effect until adopted by ordinance of the City Council.

§ 265-15 Interpretation and conflict.

- A. The provisions of this chapter shall be held to be minimum requirements. More stringent provisions may be required by other lawfully adopted City rules, regulations and ordinances and imposed when it can be demonstrated that different standards are necessary in order to promote the public health, safety and welfare.
- B. Where the standards imposed by this chapter are either more restrictive or less restrictive than comparable standards imposed by any other applicable law, ordinance, code, regulation or standard, the more restrictive, higher standard shall apply.

Chapter 265: SUBDIVISION AND LAND DEVELOPMENT

Article IV: Pre-Application Sketch Plan

§ 265-16 Purpose.

§ 265-17 Pre-application conference.

§ 265-18 Sketch plan review by Commission.

§ 265-19 Sketch plan review requirements.

§ 265-16 Purpose.

The pre-application sketch plan process is intended to provide informal opportunities to discuss issues related to design, function, conformity with codes, compatibility with the Comprehensive Plan and plan processing procedures, public meeting dates and other requirements prior to formal submission of the plan. Where pre-application sketch plan review by the Commission occurs, interested citizens will have the opportunity to comment at the Commission's public meeting, and the Commission may provide input to other boards and commissions of the City that will be involved in the review process. An applicant who elects to take advantage of the optional pre-application sketch plan process, may, subject to City staff or Commission review as per § 265-17 or § 265-18, be permitted to proceed to a final plan submission and skip the preliminary plan phase/processing requirements.

§ 265-17 Pre-application conference.

- A. At the request of the applicant, a pre-application conference shall be scheduled to allow the applicant to meet with appropriate representatives of the City. Representatives may include, among others, Planning staff, Public Works staff, Zoning Officer, Fire Marshal, Building Official and Bureau of Police representative.
- B. Applicants seeking a pre-application conference are encouraged to submit the information stipulated in § 265-19 at least 10 days prior to the conference meeting in order to allow time for staff to review the application and identify issues that will be discussed with the applicant.
- C. The applicant and City shall not be bound by the results of any pre-application plan review.
- D. Subdivision and/or land development plans exceeding the thresholds of § 265-22 may skip the preliminary plan submission requirements for non-phased projects provided that a pre-application sketch plan is submitted to the Planning Bureau for review and comment where scheduling, process and other issues may be discussed. In addition, the Planning Bureau may schedule the sketch plan for review by other City staff. Following the review of the sketch plan, the applicant shall address any concerns to the satisfaction of the City. Once the City is satisfied that issues have been addressed, the applicant will be permitted to file a final plan application without the need to ask the Commission for a waiver of the preliminary plan process. Should the applicant fail or choose not to address issues raised by staff, the applicant shall forfeit the right to proceed to final plan and the application shall be filed with the Planning Commission as a preliminary plan or the applicant may file a waiver request with the Commission seeking relief of the preliminary plan filing requirements.

§ 265-18 Sketch plan review by Commission.

- A. In addition to or as an alternative to the pre-application conference, the applicant may request that the Planning Commission review a sketch plan of any proposed subdivision or land development during a regularly scheduled Commission meeting.
- B. Applicants seeking a Commission modification to waive the preliminary plan filing requirements for subdivision and/or land development plans exceeding the thresholds of § 265-22 shall submit the information stipulated in § 265-19 and the applicable fee in accordance with § 265-12 at least 14 days prior to a regularly scheduled Commission meeting date.
- C. The applicant and Commission shall not be bound by the results of any sketch plan review.

§ 265-19 Sketch plan review requirements.

Three copies of the following information shall be submitted with an application for sketch plan review:

- A. A brief narrative detailing:
 - (1) An overview of the project.
 - (2) Existing and proposed land use/units of occupancy.
 - (3) Existing and proposed stormwater facilities and geologic conditions if known.
 - (4) Existing deed restrictions or easements affecting the site.
 - (5) Street/alley improvements or amendments to the official map.
 - (6) Anticipated traffic and parking impacts.
 - (7) Significant environmental, topographical and man-made features.
 - (8) Any information unique to the project which will aid in understanding the scope of the project.
- B. A sketch plan drawn to scale showing the following if applicable:
 - (1) Property address and ownership.
 - (2) Person or firm preparing the drawing.
 - (3) Zoning district with site data, e.g., lots, units, parking, etc.
 - (4) Municipal boundary line on or immediately adjacent to property.
 - (5) A North arrow.

- (6) Layout of existing and proposed lots, buildings and proposed demolition.
- (7) Existing and proposed sidewalks and bicycle lanes or other accommodations for pedestrians and bicyclists.
- (8) Existing and proposed parking, access drives and driveways and other paved areas.
- (9) Approximate location of 100-year floodplain boundaries.
- (10) Approximate locations of wetlands.
- (11) Existing and proposed streets and alleys which will provide access to the site.
- (12) Conceptual landscaping and identification of loss of existing tree cover.
- (13) Areas to be regraded and existing or proposed stormwater improvements.
- (14) Existing and proposed utility mains and existing and proposed utility laterals if known.
- (15) Impacts to curb, sidewalk, street improvements, utility poles, traffic signals or public infrastructure.
- (16) Any information unique to the project or information requested for placement on the plan in order to facilitate review.

Chapter 265: SUBDIVISION AND LAND DEVELOPMENT

Article V: No Impact, Minor and Preliminary Plan Procedures and Requirements

- § 265-20 No impact subdivision and land development.
- § 265-21 Minor plan submission and recording requirements.
- § 265-22 Waiver of preliminary plan filing requirements.
- § 265-23 Preliminary plan submission procedures.
- § 265-24 Sketch plan option preceding the filing of a final plan.
- § 265-25 Plan validity.
- § 265-26 Minor and preliminary plan specifications and data.
- § 265-27 Construction of improvements.

§ 265-20 No impact subdivision and land development

A subdivision or land development plan shall not be required where it can be demonstrated to the Planning Bureau that the initial or cumulative impact of the activity or improvement will not result in the need for plan approvals typically associated with a subdivision or land development plan approval process. Although a plan submission as per this Chapter is not required, approvals under the Zoning Ordinance, Chapter 300, Stormwater Management Ordinance, Chapter 260, or other City ordinances may be applicable. In addition, a subdivision plan shall not be required for the joining of two or more contiguous lots of record into one lot where no site improvements are planned that would otherwise be cause for preparing a plan. Applicants undertaking projects not exceeding the thresholds below may request a waiver of preliminary and final plan filing requirements as per MPC §503(8) and in accordance with § 265-12.

A. No impact subdivision shall include, but not be limited to, the following:

- (1) Corrections to bearings and distances as a result of new survey data or a boundary line agreement that corrects previous errors.

B. No impact land development shall include, but not be limited to, the construction of accessory buildings and building additions with footprints of not more than 400 square feet, whether initially or cumulatively, and the division of land or space between or among two or more existing or prospective occupants, provided that the construction or division of land or space does not result in the following:

- (1) Installation of new access drives providing vehicular access to or from a public right-of-way;
- (2) Activities that would require the submission of a stormwater management site plan, excluding small projects and very small projects, as defined in the Stormwater Management Ordinance, Chapter 260;
- (3) Development within flood prone areas;
- (4) An increase in water consumption or sewage discharge exceeding 350 gallons per day;
- (5) Changes to utility services including new service laterals to increase capacity or provide fire protection.
- (6) Vertical expansions of more than two stories above existing structures;

- (7) A requirement of additional parking;
- (8) Impacts of development meeting any of the thresholds set forth in § 265-26 D (4).

§ 265-21 Minor plan submission and recording requirements

A. A minor plan shall be submitted for a proposed land development or subdivision following a pre-application conference with City staff, as per § 265-21 B, and in accordance with the following requirements.

- (1) A minor plan shall have all of the required plan information of a combined preliminary/final plan. In addition, the plan will contain the appropriate recording certificates, including plan preparer certificates of accuracy, property ownership certificate, Lancaster County Planning Commission review certificate, and Planning Bureau approval certificate.
- (2) Minor plans shall be submitted to the Planning Bureau, which will obtain review comments of other City staff as needed during a 45-day review and comment period following plan submission.
- (3) Applicants submitting minor plans shall provide evidence of zoning approval, or shall have filed an appeal to the Zoning Hearing Board for any necessary approvals. Unconditional approval of a minor plan shall not be granted prior to the issuance of zoning approvals.
- (4) At the discretion of the Lancaster County Planning Commission (hereinafter "LCPC") minor plans will be reviewed administratively, as authorized by Lancaster City Council with the adoption of Administration Resolution No. 24 – 2008 and in accordance with procedures established by LCPC.
- (5) All accepted applications shall be reviewed and receive administrative approval, conditional approval or denial within 45 calendar days of plan submission. An exception to the 45-day stipulation for the City may occur only when the applicant has agreed in writing to an extension of time. Acceptance of conditions by applicants shall be in accordance with § 265-23 B (4)(a) and (b). Plans receiving unconditional approval shall be recorded upon signing of the Planning Bureau certificate. No site improvements shall be installed prior to unconditional approval and recording of the plan.
- (6) The applicant shall have one year to meet any conditions of plan approval. Failure to submit a revised plan which complies with all conditions within the aforesaid time period shall serve as a rejection of the conditions by the applicant and serve to automatically rescind the plan approval.
- (7) Upon determination that all conditions of administrative conditional approval have been met, the Chief Planner shall advise the applicant that the minor plan conditions have been satisfied and that the plan may be recorded.

B. Minor Plans will be processed by City staff and not the Commission. In order for the City to accept an application as a minor plan, the applicant must attend a pre-application conference with City staff. For a plan to be considered "minor," it must meet one of the following criteria:

- (1) The resubdivision of a lot for the purpose of correcting existing errors associated with a legal description.
- (2) Changes to lot lines for the purpose of correcting existing encroachments caused by fences, driveways, landscaping or buildings.
- (3) Creation of a subdivision/lot add-on plan where the change to a lot line is in conformity with provisions of the City Zoning Ordinance, or where Zoning Hearing Board approval has been granted involving changes to a lot line and where no additional lot is being created.
- (4) Minor adjustments to easements and street rights-of-way.
- (5) A minor amendment to a previously recorded plan prior to completion of the project and/or release of any financial guarantee, where site improvements have been or will be made, provided the amendment does not cause the following:
 - (a) An increase in building coverage, as defined by City Code Chapter 300, Zoning, greater than 400 square feet.
 - (b) An increase in impervious surface, as defined by City Code Chapter 260, Stormwater Management, equal to or greater than 1,000 square feet.
 - (c) Elimination of required landscaping.
 - (d) Addition of an access drive.
 - (e) A change in pedestrian and/or bicycle access to the site and to building entrances within the development.
 - (f) Elimination of any required improvement.
- (6) A land development consisting of the following:
 - (a) Construction of a single nonresidential building or building addition with a footprint no larger than 1,000 square feet.
 - (b) A single new multi-family residential building on one lot containing no more than 10 units and with a footprint no larger than 1,000 square feet.
 - (c) Conversion of an existing nonresidential building into no more than 30 residential units, provided there is no increase in lot coverage, no requirement for a traffic/transportation study, and no requirement for a planning module
- (7) Conversion of an accessory structure to a residential unit.
- (8) The division of space within an existing structure into not more than 5 nonresidential units where there is no requirement to perform a traffic/transportation impact study as per § 265-44.

- C. The following plan processing requirements shall be followed when submitting a minor plan:
- (1) The City submittal shall consist of three paper copies of the plan, one copy of which shall be signed by the landowner as per § 265-26 D(3)(g), two copies of any reports or supplemental information, a completed City plan application and plan application fee.
 - (2) The County submittal shall be in accordance with LCPC requirements.
 - (3) Prior to submitting the plan to the LCPC, the applicant shall schedule a meeting with the Planning Bureau, at which time the plan will receive an initial technical review. City technical review comments will be included in the applicant's submission to LCPC.
 - (4) Upon satisfying any comments provided by the City, the applicant shall provide signed and sealed drawings consisting of one mylar and three paper sets of plans along with two copies of any documents which are to be recorded. A digital copy of the plan shall be submitted in a format acceptable to the LCPC. Two digital copies of the plan and documents to be recorded shall also be provided to the City.
- D. The minor plan process shall not obligate the City to mail written comments or notices as would be the case for plans reviewed by the Planning Commission. The signing of the Planning Bureau certificate on the approved plan will serve as notification of plan approval and satisfaction of all conditions.

§ 265-22 Waiver of preliminary plan filing requirements

- A. Upon submission of a written request and/or sketch plan application, the Chief Planner shall have the authority to waive the requirement of a preliminary plan submission for subdivision or land development plans meeting criteria set forth below. The applicant shall provide written justification for the modification request and applicable fee in accordance with § 265-12 of this chapter. Upon determination that the purpose of the preliminary plan submission is not being circumvented, the Chief Planner, with the concurrence of the City Engineer, shall waive the preliminary plan submission requirement for the following:
- (1) Subdivisions containing ten or fewer lots
 - (2) Land developments containing ten or fewer nonresidential units of occupancy.
 - (3) Conversion of an existing nonresidential building into not more than 40 residential units. However, the preliminary plan submission requirement shall not be waived by the Chief Planner if the subdivision or land development will generate 50 or more added vehicle trips (inbound plus outbound) during the site's peak traffic hour.
 - (4) A plan where no change in the location of existing access drives or the installation of new access drives is proposed unless the access drive has first received approval of the Traffic Commission.
 - (5) Projects that will not generate additional sewage flow requiring approval of a planning module by the DEP.
 - (6) Projects that will not cause a change to the City's official map or require an action of the City Council concerning air rights, lease or other agreements.

- (7) Projects that meet the requirements of the Stormwater Management Ordinance.
 - (8) The project is not a flexible residential development, as defined and as regulated by the City of Lancaster Zoning Ordinance.
 - (9) The project is not proposed to be developed in phases.
 - (10) The project has received zoning approval.
 - (11) The applicant has received a certificate of appropriateness pursuant to the Historic District Ordinance or the Heritage Conservation District Ordinance, City Code Chapter 155.
- B. The final plan submission shall include all of the data and information as required by this chapter.

§ 265-23 Preliminary plan submission procedures.

- A. At the time of submission of a preliminary plan to the Commission, the applicant shall submit the plan to LCPC with the required LCPC application form and fee. The applicant shall also submit the plan to other relevant regulatory agencies for review and comment. No action on the preliminary plan shall be taken by the Commission until the LCPC report has been received or until the expiration of 30 days from the date the application was forwarded to the LCPC. All accepted applications shall be reviewed and final action taken by the Commission within 90 calendar days of the Commission's next regularly scheduled public meeting following the date the application was filed and accepted or the final order of court remanding an application. An exception to the 90-day requirement for the Commission to take final action occurs only when the applicant has agreed in writing to an extension of time.
- B. The steps below shall be followed during the preliminary plan process:
- (1) Only applications consisting of the following shall be accepted:
 - (a) City review – Three or more paper copies of the plan, one copy of which shall be signed by the landowner as per § 265-26 D(3)(g), two copies of all reports, and 12 copies of any executive summaries of reports shall be submitted to the Chief Planner. A completed application form, a fee in accordance with the fee schedule adopted by resolution of City Council and a completed LCPC Request for Review Form shall be submitted. If the subdivision or land development involves the construction, modification or vacation of a street, one additional copy of the plan shall be submitted.
 - (b) LCPC review – Copies of the plan, reports and filing fee shall be in accordance with LCPC requirements.
 - (2) The final action of the Commission shall be in writing and shall be communicated to the applicant and other known interested parties personally or mailed to same at their last known address not later than 15 days following the Commission's action. Failure to notify the applicant within the prescribed time limit shall be deemed an approval of the

application in terms as presented, unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision. The written communication shall note one of the following actions:

- (a) Unconditional approval;
 - (b) Conditional approval, including but not limited to required changes pertaining to the plan and/or submission of additional technical reports on impacts caused by the development, as required by the Commission, the reason for the conditional approval, and the provisions of the statute or ordinance relied upon; or
 - (c) Disapproval, including the defects found in the application, the requirements that have not been met, proposed mitigation measures for negative impacts identified in impact studies or reports that have been determined to be inadequate and changes in plans and specifications that would cause the Commission to determine that mitigation measures are adequate, and the provisions of the statute or ordinance relied upon.
- (3) Unconditional approval authorizes the applicant to proceed with the preparation of the final plan.
- (4) When the Commission grants conditional approval of a plan, the following procedure shall be applicable:
- (a) When a preliminary plan has been approved subject to conditions, and when the applicant rejects one or more of the conditions, the applicant shall so notify the Planning Commission in writing within 30 days of the Commission's action. Such notification of rejection of one or more of the conditions of approval shall serve to automatically rescind the conditional approval of the plan. Failure of the applicant to notify the Planning Commission of rejection of one or more of the conditions of approval within the time so specified shall serve as notice of acceptance of the conditions of approval and that the applicant intends to fully comply with the conditions unless such conditions are invalidated by final order of court upon appeal thereto by the applicant.
 - (b) If the applicant and the Commission agree to additional conditions of preliminary plan approval, all such conditions shall be embodied in a developer's agreement entitled "Preliminary Plan Developer's Agreement," which lists the agreed upon conditions (see Appendix B). Acceptance or rejection of the Preliminary Plan Agreement shall be done in accordance with the procedures set forth in § 265-23 B(4)(a).
 - (c) Upon receiving a conditional approval, the applicant shall have one year from the date of the Commission's conditional approval to submit two copies of a revised plan which complies with all conditions, including compliance with all conditions agreed to by the applicant in any agreement(s). The Commission may grant a modification to extend the time period for plan approval upon written request by the applicant. Failure to submit a revised plan which complies with all conditions within the aforesaid time period shall serve as a rejection of the conditions by the applicant and serve to automatically rescind the plan approval.

- (5) Upon determination that all conditions of the Commission's conditional approval have been met, the Chief Planner shall transmit a written notification to the applicant indicating that the preliminary plan conditions have been satisfied and that the applicant may proceed with the final plan application.
- (6) Disapproval of the plan requires that the applicant resubmit the plan. A resubmitted plan shall be considered and reviewed as a new plan in accordance with this § 265-23.
- (7) A preliminary plan which has been tabled prior to final action shall be reviewed in one of the following manners:
 - (a) Any preliminary plan which, in the opinion of the Commission, cannot be adequately reviewed due to, but not limited to, a lack of information or nonconformity with existing federal, state or local regulations, may be tabled. Any plan tabled during the Commission's 90-day review and approval period shall be rescheduled for final action within the same aforementioned 90-day period. If the applicant must provide supplemental information for a tabled plan, this information shall be provided to the Chief Planner no later than 10 days prior to the Commission meeting when the plan will be reconsidered.
 - (b) An applicant may request in writing to the Commission that the plan be tabled. Plans which are tabled by the Commission shall be rescheduled for final action within the Commission's 90-day review and approval period unless the applicant has agreed, in writing, to an extension of time.
- (8) An applicant may withdraw a plan from the Commission's consideration by means of written communication to the Commission; however, fees for plans which are withdrawn shall not be returnable nor credited toward any resubmitted plans. An applicant desiring to resubmit a plan shall do so in accordance with this § 265-23B.
- (9) From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this chapter, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is denied, any subsequent application shall be subject to the intervening change in governing regulations.
- (10) When an application for approval of a plan, whether preliminary, tentative, minor or final, has been approved without conditions, or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plan. In the event of an appeal filed by any

party from the approval or disapproval of a plan, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired; provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application. Where final approval is preceded by preliminary approval, the aforesaid five-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 governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

- (11) Where the applicant has substantially completed the required improvements as depicted upon the final plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Commission, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.
- (12) In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the applicant with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted, and any modification in the aforesaid schedule shall be subject to approval of the Commission in its discretion.
- (13) Each phase in any residential subdivision or land development, except for the last phase, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Commission. Provided that the applicant has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with applicant's aforesaid schedule of submission of final plans for the various phases, then the aforesaid protection afforded by substantially completing the improvements depicted upon the final plan within five years shall apply and for any phase or phases, beyond the initial phase, in which the required improvements have not been substantially completed within the said five-year period, the aforesaid protection shall apply for an additional term or terms of three years from the date of final plan approval for each phase.
- (14) Failure of applicant to adhere to the aforesaid schedule of submission of final plans for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the municipality subsequent to the date of the initial preliminary plan submission.

§ 265-24 Sketch plan option preceding the filing of a final plan

In an effort to streamline the plan approval process while recognizing the complexities and unique aspects of urban land development projects, the Commission has established optional plan filing requirements that will encourage better planning at the early stages of design while saving time during the plan review period. For projects exceeding the thresholds of § 265-22 for waiving preliminary plan filing requirements, a preliminary/final plan may be filed in lieu of a separate preliminary plan, provided that a sketch plan has first been submitted and reviewed by

the City staff in accordance with § 265-17 or by the Commission in accordance with § 265-18. Nothing herein shall prevent applicants from submitting a preliminary plan followed by a final plan should they so choose. For minor plans, no sketch plan submission is required; however, the applicant shall consult with the Planning Bureau prior to a minor plan submission to determine the plan's eligibility for filing under the minor plan provisions.

§ 265-25 Plan validity.

The applicant shall have two years from the date of the Commission's conditional or unconditional approval of a preliminary plan in which to submit a final plan, unless the applicant requests in writing and the Commission approves an extension of time. In the case of phased projects, all plan submissions must occur within the five-year time period noted in § 265-23B (10) through (14). Failure by the applicant or developer to comply with all conditions that have been accepted by the applicant within one year of conditional approval of a final plan shall serve to rescind the approval of the plan, as set forth in § 265-29 B(3)(c).

§ 265-26 Minor and preliminary plan specifications and data.

- A. The preliminary plan shall be drawn to a scale of one inch equals 10, 20, 30, 40 or 50 feet, and shall be easily read and suitable for recording. In addition, for sites over ten acres, an overall plan with a plan index sheet at scale of one inch equals 100 feet shall be used, unless otherwise approved by the City Engineer.
- B. Plans sheets shall be 18 by 22 inches or 24 by 36 inches. Sets of plans shall contain sheets of the same size.
- C. The plan submission shall contain the number of drawings or reports as specified in § 265-23B. Plan sheets shall be black line on white print paper.
- D. The plan and supplemental information shall include the following information:
 - (1) Title block.
 - (a) Proposed subdivision or land development name or identifying title.
 - (b) Municipality or municipalities in which the plan is situated.
 - (c) Deed reference.
 - (d) Name and address of record owner or owners.
 - (e) Name and address of applicant.
 - (f) Name and address of engineering, surveying, or landscape architectural firm.
 - (g) Date of preparation of plan.
 - (h) Drawing number.
 - (i) Parcel identification number.

(j) Revision block for noting date of plan changes.

(2) Site data.

(a) Minimum lot area.

(b) Number of lots or units of occupancy.

(c) Number of acres.

(d) Density of tract expressed in dwelling units or lots per acre, or units of occupancy per acre.

(e) Zoning of lots and zoning data including but not limited to setbacks, building height, minimum lot area and lot dimensions, existing and proposed building and lot coverage percentage, existing, proposed and required parking/loading.

(f) Existing land usage.

(g) Proposed land usage.

(h) Total area of proposed earth disturbance.

(i) Drainage area to each BMP in square footage or acres.

(3) General data.

(a) Location map at a scale not to exceed one inch equals 2,000 feet, including a North arrow.

(b) A North arrow for the land shown on the land development or subdivision plan.

(c) Certification, with seal, of the survey accuracy by a registered Pennsylvania surveyor and date of survey (see Appendix A).

(d) Certification, with seal, of the plan accuracy by a registered Pennsylvania engineer or landscape architect and date of plan preparation (see Appendix A).

(e) Certification, with seal, of the accuracy of the accompanying stormwater management site plan, traffic control plan or other proposed improvements, if not covered by the Certificate of Plan Accuracy, by a registered Pennsylvania engineer, traffic engineer or other professional and date of plan preparation (see Appendix A).

(f) Graphic scale.

(g) Ownership certificate, signed by the landowner of the subdivision or land development and acknowledged by a Notary Public, including seal (see Appendix A).

(h) Proposed lot lines, including block letters and lot numbers.

(i) Tract and lot boundaries showing arcs, chords, bearings and distances.

- (j) Existing and proposed survey monuments and markers.
 - (k) Primary control points or descriptions and ties to such control points, approved by the City Engineer, to which all dimensions, angles, bearings and similar data on the plan shall be referred.
 - (l) Existing topographic contours at intervals of two feet with spot elevations at relevant points, based on City datum, except that the intervals shall be one foot in and within 50 feet of special flood hazard areas. Prominent high points and depressions shall be indicated by spot heights. National Geodetic Vertical Datum 1929 minus 2.72 feet is the basis for City datum.
 - (m) Adjacent owner or owners, including all applicable Recorder of Deeds recording references for deeds and filed plans.
 - (n) Minimum building setback lines as per Chapter 300, Zoning.
 - (o) Zoning on and adjacent to the tract.
 - (p) Location of utility/transportation/communication uses on or adjacent to the tract: railroad rights-of-way, transmission power lines, towers and other similar conditions.
 - (q) Sites to be reserved or dedicated for parks, playgrounds or other open space uses.
 - (r) Off-site improvements to be undertaken as a result of project impacts.
 - (s) Traffic control devices.
 - (t) Proposed street tree locations.
 - (u) If modifications, waivers, variances, special exceptions or special approvals are granted by boards or commissions of the City for a plan or elements thereof, the aforementioned shall be noted on the plan along with the date of the approval.
 - (v) Proposed street name sign locations, with street names acceptable to the Commission. New street names shall be approved, in writing, by Lancaster County-Wide Communications prior to unconditional final plan approval (see Appendix D)
 - (w) For proposed addresses of individual lots or units, the developer shall request, in writing, the assignment of street numbers or addresses from the City Engineer. Assigned addresses and unit numbers shall be shown on the recorded plan.
 - (x) Proposed stormwater improvements and facilities in accordance with Chapter 260, Stormwater Management.
- (4) Impact studies and reports.
- (a) Purpose. Projects which have the potential of affecting public health, safety and welfare and impacting environmental resources may require impact studies or reports. The intent of impact studies and reports is to identify possible adverse

effects of a subdivision or land development, mitigate negative effects of development, and protect the quality of life and the environment from degradation.

- (b) Thresholds for impact studies. The following impact studies shall be required as part of the preliminary plan submission when the stated thresholds are met:
 - [1] Traffic impact study. The proposed project will generate 50 new vehicle trips in the peak direction (inbound or outbound) during the site's peak traffic hour, unless the project is exempt, as provided for in Article VIII, § 265-44A(1) and (2).
 - [2] Floodplain impact study. The proposed project will cause or require earth moving, any change in flood levels, paving or construction within the 100-year or approximate floodplain, as defined by the current Federal Emergency Management Agency Flood Insurance Rate Map.
 - [3] Wetland impact study. The project site contains a wetland subject to regulation by DEP or the United States Army Corps of Engineers and proposed improvements would physically encroach upon the wetland or discharge stormwater from parking and loading areas into the wetland.
 - [4] Stormwater Management Site (SWM) plan. The proposed project will require submission of a SWM plan in accordance with Chapter 260, Stormwater Management.
 - [5] Geology impact study. The project site exhibits evidence of subgrade instability, such as sinkholes or other subsidence.
 - [6] Environmental impact report. The project will have potential negative environmental impacts, as reasonably determined by the City, in regard to wildlife habitats, riparian vegetation, hazardous material storage, noise or other environmental qualities.
 - (c) Preparation of studies or reports. Impact studies or reports shall be performed by individuals with education and experience in the field of study. The study shall identify current conditions, effects of the proposed development, and recommended mitigation measures and their effects. Traffic/transportation impact studies shall be undertaken in accordance with Article VIII.
 - (d) Mitigation measures. Impact studies or reports shall identify improvements, facilities, activities or alternative measures to reduce any identified detrimental impacts of the development and to satisfy any requirements set forth in this chapter or in federal, state or other local statutes, ordinances or regulations.
 - (e) Responsibility. The applicant shall be responsible for conducting and paying for all studies relative to the project. Improvements and mitigation measures identified in the study, offered by the applicant or required by the Commission, shall be the responsibility of the applicant.
- (5) Streets, alleys, sidewalks, access drives and driveways based on the City datum, as per the Bureau of Engineering.

- (a) Grades consistent with § 265-33D for all streets and alleys, and modified, if necessary, as per recommendations of the City Engineer.
 - (b) Existing and proposed streets and alleys dimensioned to full right-of-way width on and adjacent to the tract, street names, dimensioned cartway widths, established centerline elevations, curbs, curb type, sidewalks, curve data, access drives, driveways, culverts and associated street improvements.
 - (c) The horizontal scale shall match the plan scale. The vertical scale shall be at 1/10th the horizontal scale. Profiles shall show existing and proposed utility crossings. Centerline profiles of proposed streets shall be drawn to a horizontal scale no smaller than one inch equals fifty feet and a vertical scale no smaller than one inch equals five feet with profiles showing the following:
 - [1] Vertical curve elevations at beginning of curve, end of curve, intersection of tangent lines and intermediate points at intervals of 25 feet.
 - [2] Sanitary sewer facility profiles with elevations and slopes.
 - [3] Storm sewer facility profiles with elevations and slopes.
 - [4] Water facility profiles with elevations and slopes.
 - (d) Cross-sections extending 50 feet on both sides of the street centerline at one-hundred-foot intervals.
 - (e) Typical cross-section detail of street and any other cross-section of the street which may be required by the City Engineer.
 - (f) Proposed highways or other improvements planned by public authorities for future construction on or near the tract.
- (6) Utilities and easements.
- (a) Existing and proposed easements: location, width and purpose.
 - (b) Existing and proposed utilities, where possible, on and adjacent to the tract, including but not limited to: culverts; location, materials, and size of sanitary sewer, sanitary laterals, storm sewer, and storm laterals; invert elevation of sanitary, storm and combined sewer mains; location and size of water mains, water laterals and appurtenances, gas and fuel lines; and location of existing electric and telephone poles, including streetlights, communication lines and geothermal lines.
 - (c) Evidence, via a water capacity letter, that public water shall be provided to the subdivision or development by the appropriate municipal agency or authority.
 - (d) Submission of a planning (sewer) module or module exemption to DEP, if required.
 - (e) The addition of a plan note evidencing a Pennsylvania One-Call Act 38 Request, including the serial number.

- (7) Floodplains, wetlands and hydrology.
- (a) Hydraulic study showing complete drainage area in which the plan is proposed, together with calculations upon which the storm drainage system is based.
 - (b) Representative cross-sections and profiles of all drainage ditches, infiltration/detention/retention facilities.
 - (c) Stormwater conveyance systems.
 - (d) On all subdivisions and land developments located in or adjacent to a flood prone area, the plan shall show the 100-hundred year, and if required, the 500-hundred year, floodplain as designated on the Flood Insurance Rate Map for the City as prepared by the Federal Emergency Management Agency. Should the Flood Insurance Rate Map not include flood prone area information for a site known to be susceptible to flooding, the developer shall rely on local information acceptable to the City Engineer and Chief Planner, or perform a separate hydrological/stormwater management study.
 - (e) Wetlands and watercourses.
- (8) Soils, geology and physical features.
- (a) Subsurface conditions on the tract if individual stormwater or sewage disposal systems are proposed: location and results of percolation tests; location and results of tests made to ascertain subsurface soil, rock and ground, water conditions.
 - (b) Existing conditions on the tract: rock outcrops; wooded areas; buildings; riparian buffers; tree protection zones and related physical features.
 - (c) Boring data and soil characteristics, if required.
 - (d) Environmental data related to the possible presence of hazardous material on or immediately adjacent to the site, if required.
 - (e) Existing and proposed retaining walls; existing structures with indication as to the proposed utilization or removal of the structures; and identification of proposed structures.
- (9) Grading and earth moving.
- (a) Existing and proposed grades at two-foot contours or as otherwise approved by the City Engineer with reference to City datum or other approved elevation. City datum is National Geodetic Vertical Datum 1929 minus 2.72 feet.
 - (b) For projects greater than 5,000 SF of earth disturbance, a Soil Erosion and Sediment Control (E&SC) Plan as outlined in Title 25, Pennsylvania Administrative Code, Chapter 102, Section 101.1, et seq., and administered by DEP, or its designee, shall be prepared. Such plan shall be capable of functioning independently or in conjunction with adjacent erosion control measures and facilities. The E&SC Plan shall be approved by the Lancaster County Conservation District

prior to commencement of any earthmoving activities. For projects involving earth disturbance of less than 5,000 SF, a plan shall be prepared for City approval in accordance with the PA DEP Erosion and Sediment Control Program Manual Document 363-2134-008, dated March 2012, as amended, demonstrating how sediment laden water runoff will be controlled on site. Such plan shall include location and type of control facilities, existing and proposed grading, location of soil stockpile, construction entrance and a sequencing narrative outlining specific measures to be taken at each phase of site development.

(10) Landscaping.

- (a) Landscape plans, when required by this chapter, Chapter 300, Zoning, or offered by the applicant, shall include a planting schedule and show locations, size and name of all trees, shrubs, vegetative screens and ground cover proposed to be installed in the development.
- (b) Street trees shall be planted in accordance with § 265-33M and Chapter 273, Trees, and the Tree Manual, and parking lot landscaping shall be in accordance with Chapter 300, Zoning.

(11) Street lighting and private property lighting.

- (a) Street lighting shall be provided by the developer along all public streets and public alleys. The Commission may require that private street or parking lot lighting be installed in the interest of public safety. The developer shall prepare appropriate lighting plans, which plans shall be approved by the electric utility company (in the case of street lights), City Engineer and Planning Commission.
- (b) When outdoor lighting is proposed or required for streets, dwelling units, commercial, industrial or recreational uses, the illumination levels, fixture locations and shielding shall generally follow the levels recommended in the city's Streetscape Design Guidelines, Illumination Engineering Society of North America (IESNA) Lighting Handbook and the Outdoor Lighting Code Handbook of the International Dark-Sky Association.
- (c) Lighting, when proposed, shall provide for the illumination of outdoor public and private spaces where health, safety and welfare are potential concerns. Lighting shall be placed, shielded and aimed so as to avoid glare and protect the night sky from nuisance glare and stray light.

§ 265-27 Construction of improvements.

- A. Upon unconditional approval of the preliminary plan or satisfaction of all conditions of plan approval in accordance with this chapter, the applicant may construct the required public or private improvements shown on the plan. The applicant shall indicate the intent to construct the required improvements by executing a Preliminary Plan Developer's Agreement (see Appendix B), which shall be submitted prior to approval of the preliminary plan.
- B. No lots shall be occupied or sold nor any buildings constructed or occupied without the unconditional approval and recording of the subdivision and/or land development plan.

Chapter 265: SUBDIVISION AND LAND DEVELOPMENT

Article VI: Final Plan Procedure and Requirements

§ 265-28 Unconditional plan approval preceding City permits.

§ 265-29 Final plan submission procedures.

§ 265-30 Dedication of streets and other areas for public use.

§ 265-31 Required final plan specifications and data.

§ 265-32 Construction of improvements.

§ 265-28 Unconditional plan approval preceding City permits.

No building/demolition permit or building certificate of occupancy shall be issued prior to the unconditional approval of a final land development or subdivision plan or a minor plan processed in accordance with § 265-21 and the satisfaction of all conditions of plan approval in accordance with this chapter. In addition, copies of the plan and related documents to be recorded by the applicant shall first be signed by the appropriate City staff or approval body prior to receiving any permits to commence work as proposed on the plan.

§ 265-29 Final plan submission procedures.

- A. At the time of submission of a final plan, the applicant shall submit the plan to the Lancaster County Planning Commission (LCPC) with the required LCPC application form and fee. The applicant shall also submit the plan to other relevant agencies for review and comment. No action on the final plan shall be taken by the Commission until the LCPC report has been received or until the expiration of 30 days from the date the application was forwarded to the LCPC. All accepted applications shall be reviewed and final action taken by the Commission within 90 days of the Commission's next regularly scheduled public meeting following the date the application was filed and accepted or after a final order of court remanding an application. An exception to the 90-day stipulation for the Commission to take final action occurs only when the applicant has agreed, in writing, to an extension of time.
- B. The following steps shall be followed during the final plan process:
 - (1) Applications shall consist of the following:
 - (a) City review: A minimum of three paper copies of the plan, two copies of all reports, and 12 copies of any executive summaries other than those accompanying the preliminary plan submission shall be submitted to the Chief Planner. A completed application form, a fee in accordance with the fee schedule adopted by resolution of City Council, and a completed LCPC plan processing application shall be submitted. If the subdivision or land development involves the construction, modification or vacation of a street, one additional copy of the plan shall be submitted.
 - (b) LCPC review: Copies of the plan, reports and filing fee shall be in accordance with LCPC filing requirements.
 - (2) The final action of the Commission shall be in writing and shall be communicated to the applicant personally or mailed to same at their last known address not later than 15

calendar days following the Commission's action. The written communication shall note one of the following actions:

- (a) Unconditional approval;
 - (b) Conditional approval requiring changes pertaining to the plan, submission of revised technical reports, the reason for the conditional approval, the provisions of the statute or ordinance relied upon, or conditions agreed to by the applicant; or
 - (c) Disapproval, including the defects found in the application, the requirements that have not been met, proposed mitigation measures for negative impacts identified in impact studies or reports that have been determined to be inadequate and changes in plans and specifications that would cause the Commission to determine that mitigation measures are adequate, and the provisions of the statute or ordinance relied upon.
- (3) When the Commission grants conditional approval of a plan, the following procedure shall be applicable:
- (a) When a final plan has been approved subject to conditions, and when the applicant rejects one or more of the conditions, the applicant shall so notify the Planning Commission in writing within thirty (30) days of the Commission's action. Such notification of rejection of one or more of the conditions of approval shall serve to automatically rescind the conditional approval of the plan. Failure of the applicant to notify the Commission of rejection of one or more of the conditions of approval within the time so specified shall serve as notice of acceptance of the conditions of approval and that the applicant intends to fully comply with the conditions unless such conditions are invalidated by final order of court upon appeal thereto by the applicant.
 - (b) If the applicant and the Commission agree to additional conditions of final plan approval that are not otherwise enforceable under statute or ordinance, all such conditions shall be embodied in a developer's agreement entitled "Final Plan Developer's Agreement," which lists the agreed upon conditions (see Appendix C). Acceptance or rejection of the Final Plan Agreement shall be done in accordance with the procedures set forth in § 265-29 B(3)(a).
 - (c) Upon receiving a conditional approval, the applicant shall have one year from the date of the Commission's conditional approval to submit two copies of a revised final plan which complies with all conditions, including compliance with all conditions agreed to by the applicant in any Final Plan Developer's Agreement. The Commission may grant an extension of the time period for final plan approval upon written request by the applicant. Failure to submit a revised final plan which complies with all conditions within the aforesaid time period shall serve as a rejection of the conditions by the applicant and serve to automatically rescind the plan approval.
- (4) Upon determination that all conditions of the Commission's conditional approval have been met, the Chief Planner shall transmit a written notification to the applicant indicating that the final plan conditions have been satisfied. The applicant shall submit one mylar and three paper sets of plans along with a digital file in a format acceptable to the Chief Planner.

- (5) Disapproval of the plan requires that the applicant resubmit the plan. A resubmitted plan shall be considered and reviewed as a new plan in accordance with this § 265-29.
- (6) After the Commission grants unconditional approval, or the conditions of approval have been satisfied, and the plan is signed by the City Engineer and the Commission Chairperson or Vice Chairperson, the applicant shall present the plan to the LCPC for approval signatures. Upon securing all approvals, the applicant shall, within 90 days of such final approval or 90 days after the date of delivery of an approved plan signed by the Commission following completion of conditions imposed for such approval, whichever is later, record such plan in the office of the Lancaster County Recorder of Deeds. Failure to record the plan within this time period shall cause the Commission's approval to become null and void, unless an extension of time has been requested by the applicant in writing and granted by the Commission.
- (7) Plans which are tabled prior to final action shall be reviewed in one of the following manners:
 - (a) Any plan which, in the opinion of the Commission, cannot be adequately reviewed due to, but not limited to, a lack of information or nonconformity with existing federal, state or local regulations, may be tabled. Written notice of the tabling action shall be mailed to the applicant no later than 15 days following the tabling action. Any plan tabled during the Commission's 90-day review and approval period shall be rescheduled for final action within the same aforementioned 90-day period. If the applicant must provide supplemental information for a tabled plan, this information shall be provided to the Chief Planner at least 21 days prior to the Commission meeting when the plan will be reconsidered.
 - (b) An applicant may request in writing to the Commission that the plan be tabled. Plans which are tabled by the Commission shall be rescheduled for final action within the Commission's 90-day review period unless the applicant has agreed, in writing, to an extension of time.
- (8) An applicant may withdraw a plan from the Commission's consideration by means of written communication to the Commission or Chief Planner; however, fees for plans which are withdrawn shall not be returnable nor credited toward any resubmitted plans. A resubmitted plan shall be considered and reviewed as a new final plan in accordance with procedures and requirements set forth in this article.
- (9) From the time an application is duly filed until the completion of required improvements, the application shall have those protections from change or amendment of zoning, subdivision, stormwater or other governing ordinance or plan set forth in § 265-23 B(9) through (14).

§ 265-30 Dedication of streets and other areas for public use.

- A. Recording of the final plan, after approval by the City Engineer and Commission, shall have the effect of an irrevocable offer to dedicate all streets and other areas designated in the final plan for public use, unless reserved by the applicant as provided for in § 265-30 B of this chapter. However, the approval of the Commission shall not impose any duty upon the City, County or Commonwealth of Pennsylvania concerning acceptance, maintenance or

improvement of any such dedicated areas or portions of same until the proper authorities of the City, County or Commonwealth actually accept same by ordinance or resolution.

- B. The applicant may place a notation on the final plan to the effect that there is no offer of dedication to the public of certain designated areas, in which event the title to such areas shall remain with the applicant or shall be transferred to adjacent owner/owners or approved homeowners association; and the Commonwealth of Pennsylvania, County of Lancaster or City shall assume no right to accept ownership, maintenance or improvement thereof.

§ 265-31 Required final plan specifications and data.

- A. The final plan shall meet all of the requirements of Article V, § 265-26, Minor and preliminary plan specifications and data, and shall be accompanied by the following certificates, which shall be signed after all conditions have been satisfied:

- (1) Certificate for approval by the Commission (see Appendix A).
- (2) Certificate for approval by the City Engineer (see Appendix A).
- (3) Certificate of review by the Lancaster County Planning Commission, as stipulated by LCPC.
- (4) Certificate for the dedication of streets, alleys or other land for public use (see Appendix A).

- B. The final plan also shall show or include the following additional information:

- (1) A plan note indicating dates and action taken by other City boards and commissions and of other approvals or permits received from federal, state or local agencies.
- (2) Plan notes describing any existing deed restrictions or easements affecting the site, proposed deed restrictions or covenants, and a source reference for any condominium declaration.
- (3) Notice from Lancaster County-Wide Communications stating that the proposed street names are acceptable.
- (4) Evidence of review and/or action taken on the plan by an adjacent municipality, if applicable.
- (5) If covenants are to be placed upon the use of the land in a subdivision or land development, said covenants shall be submitted to the Chief Planner for review and comment and shall be recorded at the time of plan recording. Evidence of such recordation shall be provided to the Chief Planner.

- C. For condominium plans, the full set of plans and documents shall be provided, including but not limited to, the declaration, declaration plan unit boundaries, floor plans, proposed use of each unit, description of common elements, easements, and other features as required by Title 68, Real and Personal Property, Part II, Real Property, Subpart B, Condominiums, as amended by Senate Bill 65, 1979, or other applicable laws of the Commonwealth for proposed condominiums.

§ 265-32 Construction of improvements.

All required improvements shall be installed by the applicant and approved by the City prior to the Commission signing the final plan. In lieu of having completed the improvements, the applicant shall post an improvement construction guaranty, as specified in Article X, Improvement Construction Assurances. If required by the Commission, the applicant shall indicate the intent to construct the required improvements by executing a Final Plan Developer's Agreement (see Appendix C), which shall be submitted prior to approval of the final plan.

Article VII. Design and Improvement Standards

- § 265-33. Public streets.
- § 265-34. Access drives and driveways.
- § 265-35. Easements.
- § 265-36. Blocks.
- § 265-37. Lots.
- § 265-38. Stormwater management.
- § 265-39. Floodplain/flood-prone areas.
- § 265-40. Water distribution system.
- § 265-41. Sanitary sewers.

§ 265-33. Public streets.

A. General street arrangement. The following design consideration shall be applied to all new streets within a subdivision and/or land development plan.

(1) Classifications; widths.

(a) Street classifications; width (in feet) for new and reconstructed streets:

Street Type	Cartway	Travel and turn Lanes	Parking Stall	Bike Lane(s)	Sidewalk	Planting Strip and Curb	Total ROW
Alley	16	—	---	Shared lane markings	0	----	16
Local – two-way	36	Two - 10	7.5/side	Shared lane markings	4/side	4.5/side	52
Local – one-way	26	One - 10	8/side	Shared lane markings	4/side	4.5/side	43
Collector	46	Two - 10	8/side	1 – 5 per direction of travel	4/side	4.5/side	63
Arterial - minor	46-50	Two – 11	8/side	1 – 6 per direction of travel or 1 – 5 with 1 – 3 buffer for one-way streets	4/side	5/side	68
	56-60	Two – 11 Center turn lane - 10					80
Arterial	Determined by state and federal government						

- (b) Right-of-way widths, determined by the combination of the components shown above, may be modified by the Commission in consideration of the following: anticipated average daily vehicle trips generated by and through the project area, truck traffic, municipal maintenance and public safety needs, on-street parking demand, pedestrian safety, accessibility for persons with disabilities, mass transit needs, bicycle lanes, landscape areas, snow removal impacts, required utility easements or continuation of adjacent development patterns.
 - (c) Sidewalks on collector and minor arterial streets may be widened to a maximum of 8 feet to accommodate high pedestrian traffic in the vicinity of shopping and service facilities, schools, recreation areas, community facilities, and other high-volume generators of pedestrian traffic. In the event sidewalks are widened to accommodate increased pedestrian traffic, the total ROW width shall be increased accordingly.
- (2) Streets shall be logically related to the topography so as to produce reasonable grades, satisfactory drainage and suitable building sites and shall have horizontal and vertical alignments in accordance with § 265-33 C and D below.
 - (3) The arrangement of streets shall provide for the continuation of existing or planned streets and street patterns and proper access to adjoining undeveloped tracts suitable for future subdivision.
 - (4) Cul-de-sac streets shall be avoided in order to maintain street connectivity and shall be permitted only when topography or the presence of natural and historic resources prevent a connecting street pattern.
 - (5) All required improvements, including but not limited to existing and new streets, sanitary sewer and water line interceptor systems, stormwater management and green infrastructure systems, and all other improvements shall be installed in the rights-of-way of existing and/or new streets, and shall be extended to the boundary line of the development, as required, to provide access to adjacent lands. All such existing and/or new streets and all required improvements to be located within the rights-of-way of such existing and/or new streets shall be so designed as to accommodate the future needs of the City with respect to street circulation patterns and utility alignment.
 - (6) Whenever design standards for required street improvements are not specified by the City of Lancaster, the applicable standard requirements of the Pennsylvania Department of Transportation, in accordance with Publication 408, latest revision, shall govern.
 - (7) To the maximum extent possible, all new and reconstructed streets shall be designed to accommodate bicycles and green infrastructure.
 - (8) Parking lanes shall incorporate green infrastructure where underground utilities do not create insurmountable conflicts.
 - (9) Bicycle lanes, cycle tracks or visible lane markings and signage shall be incorporated into all reconstructed streets in accordance with the City of Lancaster Specifications and Guidelines Manual then in effect or any other stricter regulations promulgated by ordinance or resolution of City Council.

(10) All new and reconstructed streets, sidewalks, curbs and planting strips shall be designed and constructed in accordance with the City's Specifications and Guidelines Manual and shall be consistent with any proposed City street improvement project. Where the subdivision or land development is located within the Streetscape District, as defined and regulated by Chapter 262, Article VII, Streetscape District, the design standards of the Streetscape District shall be applicable.

B. Cul-de-sac and dead-end streets.

(1) The centerline distance of cul-de-sac streets shall be greater than 250 feet in length and shall not exceed 600 feet in length. The length of the cul-de-sac street shall be measured from the centerline intersection of the intersecting street that is itself not a cul-de-sac to the center of the cul-de-sac turnaround. Cul-de-sac streets must be provided with a paved turnaround area with a minimum diameter of 80 feet to the face of the curb and of 100 feet to the street right-of-way line. The Commission may modify the above design standards provided that an alternative design has been approved by the City Engineer and City Fire Marshal. The Commission may require that cul-de-sacs be connected via pedestrian and bicycle paths to nearby streets, recreational facilities, neighborhoods or commercial areas.

(2) Temporary turnaround streets shall be prohibited except when designed for the future street extension into adjoining tracts or approved for staged development. Evidence of the feasibility of extending the street shall be noted on the plan. Any street temporarily dead ended in order to provide for future continuation of the street into adjoining property or for authorized staged development shall be fully constructed and all utilities installed. When possible, improvements should be extended beyond the phase line. A barrier to prevent vehicular access to adjoining property, such as bollards or guide rails, shall be constructed at the termination point of the street, and a temporary turn-around, 50 feet in diameter, as approved by the City Engineer, shall be provided. When extension of the street occurs, the temporary turnaround shall be removed and the street reconstructed according to City specifications.

(3) Where any adjacent stub street is not proposed for extension as a through street, a cul-de-sac shall be constructed within the limits of the development in compliance with City standards.

(4) Cul-de-sacs shall have a fully paved cartway; however, a center landscape or parking island may be permitted if stormwater management and green infrastructure are incorporated into the design.

C. Horizontal alignment.

(1) Horizontal curves, with a minimum radius of 150 feet, shall be used at all horizontal alignment deflections in excess of 2 degrees.

(2) There shall be a tangent of at least 100 feet between reverse curves for all residential and collector streets.

(3) Right-of-way lines shall be equidistant from the street centerline at all points.

D. Vertical alignment.

- (1) A vertical curve is used to provide a smooth transition between vertical tangents of different slope rates and is usually centered on the intersection point of the vertical tangents. One of the basic principles of vertical curves is that the rate of change of grade at successive points on the curve is a constant amount for equal increments of horizontal distance. The total length (L) of a vertical curve divided by the algebraic difference in its tangent grades (A) reflects the distance along the curve at any point to effect a one percent change in gradient and is, therefore, a measure of curvature. The rate L/A , termed "K," is useful in determining minimum lengths of vertical curves for the various required sight distances. "K" values for vertical curve design should be consistent with design speed. Maximum centerline grades should also be consistent with design standards. The minimum design speed shall be 30 mph with a vertical curve minimum "K" value of 19.
- (2) The minimum centerline grade shall be 1% with designed low points to collect and discharge stormwater.
- (3) The maximum grades shall be as follows:
 - (a) Arterial: determined by state and federal government;
 - (b) Collector: 8%;
 - (c) Residential: 10%.

E. Intersections.

- (1) No more than two streets shall intersect at the same point.
- (2) Right-angle intersections shall be used whenever possible. No street shall intersect at an angle of less than 75° .
- (3) Two streets intersecting at opposite sides of a through street shall intersect at their centerlines, or their centerlines shall be offset by a minimum of 200 feet.
- (4) A clear sight triangle shall be provided and maintained at all intersections in accordance with the requirements contained within the Chapter 300, Zoning.
- (5) Street name signs shall be installed by the applicant at all intersections and shall be in accordance with City specifications. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets. At least two street name signs shall be placed at each four-way street intersection and one at each "T" intersection. All signs shall identify both intersecting streets. Signs shall be installed in a manner to be free of visual obstruction, including trees, utility poles, and other signs. Street name signs for private streets shall be installed by the applicant in accordance with this section.
- (6) Traffic control signs and any accompanying pavement markings shall be installed by the applicant and their installation shall meet the requirements of the City Engineer and the Pennsylvania Department of Transportation (PennDOT), where applicable.

F. Street widths.

- (1) Street widths for all streets shall be in accordance with § 265-33 A.
- (2) The extension of existing streets which are presently constructed with a cartway different from the standards of these regulations shall be provided with a transition area, the design of which shall be subject to approval of the City Engineer.
- (3) Where curb extensions (or bulb-outs) are proposed, they shall be designed to accommodate bicycle travel and the turning movements of trucks and buses, and may be installed to facilitate the following:
 - (a) Improve visibility of and by pedestrians at corner or mid-block crossings;
 - (b) Reduce the length of pedestrian crossings;
 - (c) Provide bio-retention facilities for stormwater management;
 - (d) Provide protection of fire hydrants.

G. Street construction.

- (1) Streets shall be constructed in accordance with City standards.
- (2) Streets shall be finish graded to the full width of the right-of-way, surfaced and improved to the grades and dimensions shown on the plans, profiles and cross-sections submitted by the developer, and approved by the City Engineer.
- (3) Maximum slopes of banks measured perpendicular to the centerline of the street shall be 3 to 1 in fill areas and 2 to 1 in cut areas beyond the right-of-way line to the existing ground line elevation.
- (4) The Commission may require that guide rails be installed as part of the project improvements where one or more of the following conditions exist:
 - (a) Steep slopes;
 - (b) Curves;
 - (c) Endangered structures.
- (5) Rails and posts, location and installation methods shall be approved by the City Engineer. Materials shall include PennDOT approved steel guide rail or post, eight-inch-by-eight-inch post and three-inch-by-twelve-inch rail of exterior-grade, treated lumber, or other methods/materials which serve to protect the safety of the public.

H. Alleys.

- (1) The cartway width of an alley shall not be less than 16 feet except when special circumstances justify an alley of lesser width; however, the City will not accept the dedication for placement on the official map of any alley of less than 16 feet.

- (2) The intersection of two alleys and sharp changes in the alignment of an alley shall be avoided; however, where necessary, a minimum five-foot sight triangle to permit safe pedestrian and vehicular movement shall be provided, unless greater sight distance is required by the Commission. To achieve a five-foot sight triangle, corner lot lines shall have a minimum radius of eight feet.
- (3) Alleys shall be connected to streets so as to provide circulation for pedestrians, bicycles and vehicles. Circulation shall include connection between two streets, a street and alley or between two alleys. Where connection to another street or alley is not possible, an alley turnaround shall be provided.
- (4) Alley turnarounds shall be designed with sufficient paved turning radius to safely accommodate the planned vehicular users of the alley, which shall include but not be limited to trash haulers, service trucks, ambulances, fire and police vehicles.
- (5) Alleys shall be provided in new subdivisions or land developments, except that the Commission may waive this requirement where other definitive and assured provisions are made for service areas, such as off-street loading and unloading areas and parking areas consistent with and adequate for the uses proposed. The City shall have no obligation to accept an alley as public.
- (6) To the greatest extent possible, all new alleys and all reconstructed alleys shall be designed and constructed to incorporate green infrastructure for stormwater management including but not limited to porous paving, permeable pavers, bioretention, and tree trenches.

I. Curbs.

- (1) Curbs shall be required on both sides of all proposed streets in subdivisions, and on the side of the development along all existing streets in and abutting both subdivisions and land developments.
- (2) Standard straight curbs shall be installed along all City streets to the dimensions and construction standards of the City. Where deemed appropriate, the City Engineer may permit mountable slant curbs meeting City design standards.
- (3) Curb cuts for vehicular or pedestrian access shall be designed in accordance with City standards, or, in the case of state highways, in accordance with PennDOT standards, and a plan note shall indicate that a City permit or PennDOT highway occupancy permit will be obtained prior to installation.
- (4) Pipes, grates and other materials shall not be placed in the curb gutters to form a driveway ramp.
- (5) Intersection curb radii shall be in accordance with City standards and approved by the City Engineer.
- (6) Handicapped ramps shall be installed at each intersection within the development in accordance with current City, State and Federal standards.

J. Sidewalks.

- (1) Sidewalks shall be required along both sides of all public streets in all subdivisions and land developments.
- (2) Sidewalks shall be installed in accordance with the current specifications published in the City of Lancaster Specifications and Guidelines Manual. Sidewalks shall be constructed of concrete, brick pavers, or other materials as approved by the City Engineer.
- (3) Sidewalks along public streets shall be a minimum of four feet wide, not including space taken by poles, trees, steps or other appurtenances, and shall be in compliance with the minimum requirements of the City. Sidewalks adjacent to shopping and service facilities, schools, recreation areas, community facilities, and other high-volume generators of pedestrian traffic may be of a greater width if required by the City Engineer or Commission.
- (4) Sidewalks shall be located within the street right-of-way, except where existing conditions dictate otherwise. A minimum four (4) foot wide grass planting strip shall be provided between the curb and sidewalk unless otherwise approved by the Commission.
- (5) A sidewalk of not less than four feet in width, constructed in accordance with City standards, shall be provided along private streets and access drives wherever pedestrian travel may occur. Sidewalks of greater width may be required by the Commission based upon housing density, proximity to schools, parks, bus stops, and persons with disabilities.
- (6) Where possible, sidewalks should be sloped towards adjacent pervious surfaces, not adjacent impervious surfaces
- (7) Ramp cuts shall be located at all sidewalks intersecting with vehicular travel ways.

K. Crosswalks.

- (1) Marked crosswalks shall be provided within the vehicular travel ways intersecting with sidewalks, including all public streets and access drives.
- (2) Crosswalks shall be installed in accordance with applicable PennDOT regulations.
- (3) Crosswalks shall be delineated using stamped asphalt, painted or thermoplastic stripes and borders, pavers, or other materials approved by the City Engineer.

L. Pedestrian and bicycle paths.

- (1) Pedestrian/bicycle paths shall be provided where the existing circulation system does not include such, where abandoned railroads or other open spaces provide corridors free of obstacles, and/or in accordance with any adopted pedestrian/bicycle plan.
- (2) Pedestrian/bicycle paths shall be connected to new and existing public rights-of-way.

- (3) Such multi-use paths should not be a substitute for an adequate sidewalk system for connecting open space, residential areas, schools, playgrounds and other community facilities.
- (4) The following guidelines should be considered for the installation of pedestrian and bike paths:
 - (a) Connect all paths to the street system in a safe and convenient manner;
 - (b) Provide well defined right-of-way (easement) 10 feet wide, with a maximum average grade of 5% not to exceed 15%;
 - (c) Install benches, lighting and trash receptacles along pathways;
 - (d) Clearly mark all path connections with destination and directional signing;
 - (e) Locate all paths in corridors that serve origin and destination points such as residential areas, schools, shopping centers, parks, etc. Sidewalks should provide access to community facilities such as schools, shopping areas, recreation areas and cultural and community facilities.
 - (f) Design paths in accordance with applicable specifications contained within the City of Lancaster Specifications and Guidelines Manual.

M. Street trees.

- (1) Street trees, approved by the Shade Tree Commission and City Arborist, shall be planted in accordance with Chapter 273, Trees, and the Tree Manual when the subdivision or land development plan involves one or more of the following improvements:
 - (a) Construction, reconstruction or widening of a street;
 - (b) Installation or replacement of sidewalk in conjunction with the project; or
 - (c) Removal of existing street trees as a result of project activities.
- (2) Street trees shall be located in the public right-of-way between the back of the curb line and the sidewalk within planting strips or tree wells in accordance with Chapter 273, Trees, of the Code of the City of Lancaster, or as otherwise required by the City Arborist. Planting of street trees to the rear of the sidewalk right-of-way or on private property in proximity to the sidewalk may be permitted by the Commission in consideration of the following:
 - (a) Overhead wires or underground utilities prevent the planting of street trees between the curb and sidewalk; or
 - (b) The width of the sidewalk is too narrow to accommodate street trees; or

- (c) The Shade Tree Commission recommends the planting of street trees in another location; and
 - (d) If planted on private property, the applicant agrees to enter into a street tree easement agreement with the City of Lancaster, which agreement shall be recorded at the time of final plan recording so that the easement runs with the lot or lots shown on the final plan.
- (3) The City Arborist shall approve and/or determine the spacing between trees based upon species proposed, existing trees, driveway and street intersection locations, fire hydrants, utility poles or other factors relevant to the placement.
 - (4) One tree shall be planted for every 50 linear feet, or major fraction thereof, of street frontage. Spacing between trees shall not be less than 20 feet nor more than 50 feet.
 - (5) Street trees shall have a minimum caliper of 2 1/2 inches, measured at six to 12 inches above ground level.
 - (6) All trees shall be nursery-grown and free of disease and structural defects which, over time, could cause the tree to become weakened or hazardous.
 - (7) Any street tree which is damaged by project activities shall be treated for wounds, properly trimmed or replaced in accordance with the recommendations of the City Arborist.
 - (8) Any street tree that dies shall be replaced by the developer or property owner within 12 months and in accordance with Chapter 273.
 - (9) To the maximum extent practicable, streets trees shall be retained and protected during construction in accordance with the tree protection standards in Chapter 273.

N. Monuments and markers.

- (1) Permanent monuments shall be accurately placed along the right-of-way line of new, modified or redesigned on at least one side of each street at the beginning and end of all curves and at all angle changes or at four-foot offsets at intersections, where appropriate.
- (2) Markers shall be set at locations shown on the final plans as follows:
 - (a) At all points where lot lines intersect curves, alleys or streets, front and rear;
 - (b) At all angles in property lines of lots;
 - (c) At all other lot corners.
- (3) Monuments of stone or concrete shall have a flat top, with or without a beveled edge, having a minimum width or diameter of four inches and a minimum buried length of 30 inches. They also shall be marked on the top with a copper dowel or "X" cut. Markers shall whenever possible be composed of or include ferrous material so as to be detectable by an electromagnetic locator device. Markers shall be pipes or steel bars at

least 30 inches long and not less than 5/8 inch in diameter, or other marking methods approved by the City Engineer.

- (4) Monuments and markers shall be placed so that the score, "X" punch mark, or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surrounding surface, except that in areas that are wooded and are intended to remain wooded they may be set up to 3 inches above the ground surface.
- (5) Where monuments or markers fall within a paved (or sidewalk) area, they shall be set below grade and have a lidded monument pot or box set over them. The pot or box shall be set flush with the paving and the monument inside shall be free from contact with the surrounding paving to prevent disturbance by future digging or demolition activities. If the paved area is likely to bear vehicular traffic, the monument pot/box shall comply with AASHTO H-20 loading requirements.
- (6) Where a standard monument or marker cannot be set due to field conditions, common methods of setting corners should be used.
- (7) All markers are to be in compliance with the Manual of Practice for Professional Land Surveyors in the Commonwealth of Pennsylvania as amended from time to time and as published by the Pennsylvania Society of Land Surveyors.

§ 265-34. Access drives and driveways.

A. Permits for access to state and local streets.

- (1) In the case of plans which require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the following plan note shall be included: "A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), as amended, known as the 'State Highway Law,' before driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and the Planning Commission's approval of this plan in no way implies that such permit can be acquired."
- (2) Access drives shall require approval of the Traffic Commission and the City Engineer. Driveways shall require approval of the City Engineer. The City Engineer shall consider safe stopping distance, intersection separation distances and pedestrian safety issues when reviewing permit applications.

B. Dimensions.

- (1) Nonresidential depressed curb shall be a minimum of 20 feet in length and shall not exceed 40 feet without a safety island of at least 15 feet in length. Residential depressed curb shall be a minimum of 8 feet in length and shall not exceed 20 feet.
- (2) Access drives shall not be located less than 100 feet and driveways not less than 50 feet from the edge of the cartway of any street intersection; however, a greater separation may be required in order to assure adequate sight distance.

- (3) Access drives for multifamily dwellings or nonresidential uses shall be located a minimum 10 feet from adjacent property lines, unless a shared access drive is proposed. Driveways for parking access for single-family or two-family dwellings shall be located a minimum of three feet from adjacent property lines, except that joint driveways or parking pads may be permitted without any separation, provided that they are centered on the property line.
- (4) Access drives shall maintain a minimum centerline separation distance of 50 feet from all other access drives, unless a greater separation is required by the Commission or City Engineer for public safety. Access drive intersections with other access drives within the site shall not be subject to such restriction.
- (5) Minimum 10-foot clear sight triangles shall be provided where access drives intersect streets, and minimum 5-foot clear sight triangles shall be provided at the intersection of aisles and other access drives unless otherwise directed by the City Engineer.
- (6) Access drives and driveways intended for two-way travel shall intersect streets at a horizontal angle as near to 90 degrees as site conditions permit. Access drives and driveways intended for one-way travel shall have a minimum angle of 45 degrees and a maximum angle of 90 degrees. The length of the vertical approach of access drives shall be a minimum of 20 feet and shall not exceed a grade of 3%.

C. Other safety considerations.

- (1) The Commission may require side-by-side or common, shared driveways when such design would increase traffic safety, decrease vehicle conflicts and reduce the loss of available on-street parking.
- (2) Parallel parking shall only be permitted along access drives when sufficient cartway width is proposed to accommodate both the travel lanes and parking stalls. Angle and perpendicular parking which would require vehicles to back into the travel lanes of an access drive shall not be permitted.
- (3) The Commission reserves the authority to disapprove the location of any access drive intersection with an existing or proposed street upon finding that the proposed design raises serious traffic and/or pedestrian safety issues and that alternative site and access designs are available which would minimize the identified safety concerns.
- (4) The Commission may require installation of a depressed curb with a driveway apron and sidewalk or a marked crosswalk across a high volume access drive.

§ 265-35. Easements.

- A. When easements are required for utilities, the minimum width shall be 20 feet for a single utility and 30 feet or more for two or more utilities; shall, in most cases, be centered on or adjacent to the rear or side lot lines; and shall be situated on the tract after consultation with an authorized representative of the appropriate local utility company or authority.
- B. A stormwater easement or drainage right-of-way shall be provided within a subdivision or land development containing a watercourse, drainageway, channel or stream. Such easement shall conform substantially to the existing or relocated watercourse, drainageway,

channel or stream and shall be of such a width as to be adequate to preserve the natural drainage and to assure that the surface stormwater runoff is adequately handled. The minimum width of the easement or right-of-way shall correspond to the 100-year storm event boundary or established floodplain.

- C. Easements may be required by the Commission in cases where the Commission deems it essential for the proper circulation of pedestrian or vehicular traffic flow within a subdivision or land development. Such easements shall not be less than six feet in width for pedestrian use and 12 feet in width for bicycle or vehicular use, unless the Commission requires narrower easements because of anticipated pedestrian use or vehicular volume.
- D. Easements for the purpose of maintenance of structures may be required by the Commission where the Commission deems it essential. Such easements shall be a minimum of three feet in width for structures not exceeding 10 feet in height and shall be no less than five feet in width for structures greater than 10 feet in height.
- E. A general plan note and a deed restriction, which shall be recorded at the time of plan recordation, shall indicate that nothing shall be placed, planted or set upon or within the area of the easement which would adversely affect the function of the easement or conflict with the easement agreement.
- F. The purpose of the easement and the responsible party for maintenance of the easement and any facilities located therein shall be clearly identified on the plan and in any documents or agreements prepared as a result of the easement.

§ 265-36. Blocks.

- A. In general, block lengths in a residential subdivision shall be consistent with the City Official Plan, shall follow established patterns in the neighborhood, or shall have a minimum length of 200 feet and a maximum length of 600 feet. Block lengths shall be measured along the street centerlines from intersection to intersection.
 - (1) Where blocks exceed four hundred (400) feet in length, a mid-bloc, pedestrian right-of-way of not less than ten (10) feet in width shall be provided for pedestrian circulation. Paved walks of not less than four (4) feet shall be placed within the right-of-way and constructed in compliance with City of Lancaster sidewalk standards.
- B. In all developments, the block layout shall consider the topography and character of the site, protect environmentally sensitive areas, minimize clearing, grading and the removal of trees, and provide for sufficient traffic circulation and access for emergency vehicles.

§ 265-37. Lots.

- A. Lots and lot lines shall be established based upon the following criteria:
 - (1) Lots shall conform to the requirements of the City Zoning Ordinance.
 - (2) All lots shall abut a public street, and shall have satisfactory vehicular and pedestrian access from a public street.

- (3) Lot lines shall be at right angles or radial to streets unless it can be demonstrated to the Commission that an alternative lot angle provides at least the same or better development patterns or is necessary for solar heating systems.
- (4) Flag lots or other irregular lot configurations shall be avoided whenever possible; however, no portion of the lot shall be less than 14 feet in width.
- (5) Buildings shall be oriented to the primary front lot line, except that variations in building orientation may occur in developments utilizing solar heating systems or where the applicant proves to the satisfaction of the Commission that orientation to a secondary front lot line or side or rear lot line improves site design and does not adversely affect the streetscape.
- (6) Lot lines shall, where possible, follow City boundary lines.

- B. Corner lots shall have adequate width to permit appropriate building setback from and orientation to both streets as per Chapter 300, Zoning.

§ 265-38. Stormwater management.

- A. The developer shall submit a stormwater management plan in accordance with the City of Lancaster Stormwater Management Ordinance, as amended. The review of the stormwater plan under the Stormwater Management Ordinance shall proceed concurrently with review of the subdivision and or land development plan under this chapter.
- B. In MS4 areas of the City, all storm sewers and conveyance systems shall be connected to existing separated storm sewers or other stormwater conveyance system.
- C. In areas of the City served by the combined sewer system, separate stormwater conveyance shall be provided.
- D. Roof downspouts, exterior foundation drains, exterior stormwater drains or other sources of surface runoff or groundwater shall not be connected to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 265-39. Floodplain/flood-prone areas.

- A. All subdivision and land development plans adjacent to a watercourse or within flood-prone areas shall delineate the 100-year floodplain.
- B. A 500-year floodplain shall be delineated for developments where production or storage of dangerous materials or substances is proposed.
- C. The 100- and 500-year floodplains shall be delineated using one of the following documents, whichever is more restrictive. In case of any dispute concerning when, where and how the floodplain is to be established, the City will determine the ultimate design criteria and/or flood boundary limits.
 - (1) The most recent revision of the Flood Insurance Study (FIS) for the City of Lancaster, Lancaster County, and the accompanying maps as prepared by the Federal Emergency Management Agency (FEMA);

- (2) A hydrologic report prepared by an individual registered in the Commonwealth of Pennsylvania to perform such duties, provided that such report shall be approved by an agency of the City, County, Commonwealth or United States government.
 - (3) A hydrologic report prepared by an agency of the City, County, Commonwealth or United States government.
- D. Subdivisions and land developments having a floodplain or flood-prone area shall be designed and located to be consistent with the need to minimize flood damage. Consideration shall be given, but not limited to, the design and location of streets, utilities and drainage.
 - E. New water systems, stormwater systems and sanitary sewer systems shall be designed and located to preclude infiltration of floodwaters into the systems and discharges from the systems into floodwaters and to avoid impairment of the systems.
 - F. All new gas, oil and petroleum supply or storage systems shall be designed and located to preclude the infiltration of floodwaters into the systems and discharges from the systems into floodwaters. Provisions shall be made for the discharge of these systems in the event that floodwater infiltration occurs, such as pumping to a storage area not subject to floodwater infiltration.
 - G. In the 100-year floodplain, which shall include those areas shown on the Federal Flood Insurance Rate Map as special flood hazard areas subject to inundation by the one percent annual chance flood, no development or encroachment shall occur (including fill) which would result in any increase in flood levels during the base flood discharge or 100-year flood.
 - H. In the case of manufactured home subdivisions or land development, single- or multi-family subdivisions or land development, or commercial and industrial subdivisions or land development located within the established flood-prone areas as designated on the Flood Insurance Rate Map for the City, as prepared by FEMA, an evacuation plan shall be filed with the appropriate disaster preparedness authority. This plan shall indicate alternate vehicular and pedestrian access and escape routes.
 - I. The finished elevation of the cartway of any proposed new public or private street shall be no more than one foot below the regulatory flood elevation (100-year flood).
 - J. Floodplains and flood-prone areas shall be evaluated for the presence of wetlands using the National Wetlands Inventory Map, Lancaster County Soil Survey and on-site investigation. If wetlands are present, the applicant shall design the project to avoid any negative impacts. If impacts are unavoidable, the applicant shall apply for and receive any necessary permits from the Pennsylvania Department of Environmental Protection and/or the United States Army Corps of Engineers prior to receiving final plan approval.

§ 265-40. Water distribution system.

- A. The developer shall provide the subdivision or land development with a complete water distribution system in accordance with City Engineer standards, as provided by the Bureau of Engineering, and shall connect the same to the City water system.

- B. All required water line improvements shall be extended to the boundary line of the development, as required. All such improvements shall be so designed as to accommodate the future needs of the City with respect to water service.
- C. The location of all fire hydrants shall be approved by the City Engineer and Fire Marshal. The water distribution system shall be constructed in accordance with City standards.
- D. The drawings for the installation of a water supply system's main or public lines shall be prepared by the developer and approved by the City Engineer in consultation with the City's Bureau of Water.
- E. Upon the completion of the water system's installation, one paper and one electronic copy of the drawings for the system as constructed shall be filed with the City Engineer.
- F. Each lot within a land development or subdivision containing a dwelling unit or other building requiring water service shall be connected to an individual water lateral if individual laterals do not already exist.
- G. Water mains shall be installed within a street right-of-way or utility easement. When installed in a street right-of-way, adequate space (alignment) shall be provided to incorporate green infrastructure in the parking/bike lane area of the street.

§ 265-41. Sanitary sewers.

- A. The developer shall provide the subdivision or land development with sanitary sewer lines and provide for connecting these lines to the City's existing sewer system. The sewer system to be provided includes the main line, sanitary lateral lines from main to right-of-way line, manholes and appurtenances, complete and ready for operation.
- B. The design and installation shall be subject to the approval of the City Engineer in consultation with the City's Bureau of Waste Water Operations. The sanitary improvements shall also meet the applicable standard requirements of DEP and the City.
- C. Where applicable, the developer shall submit a Plan Revision Module for Land Development to DEP, which shall meet the requirements of the Pennsylvania Sewage Facilities Act 537 of 1966 as amended.
- D. The drawings for the installation of the sanitary sewer system shall be prepared by the developer and approved by the City Engineer and the Bureau of Waste Water Operations.
- E. Upon the completion of the sanitary sewer system, one copy of the drawings for the system as constructed shall be filed with the City Engineer.
- F. Where separate sanitary and storm sewers exist or will be installed, cross-connections between separate sanitary and storm sewer systems shall be prohibited.
- G. Each lot within a subdivision or land development containing a dwelling unit or other building requiring sanitary sewer service shall be connected to an individual sanitary sewer lateral if individual laterals do not already exist.

- H. Sewer mains shall be installed within a street right-of-way or utility easement. When installed in a street right-of-way, adequate space (alignment) shall be provided to incorporate green infrastructure in the parking/bike lane area of the street.

Article VIII: Traffic and Transportation

§ 265-42 Purpose.

§ 265-43 Design standard.

§ 265-44 Levels of traffic/transportation impact study.

§ 265-45 Parking lot safety.

§ 265-46 Plan approval.

§ 265-42 Purpose.

In order to ensure that a proposed subdivision and land development plan promotes public safety and provides for safe and efficient access to and egress from a development as well as safe movement within the site, the plan shall take into consideration the movement of people and goods, which may include improvements or actions to accommodate increased traffic volumes; to facilitate turning movements; to increase sight distances; to ensure safe vehicular and pedestrian movements within parking lots and loading/unloading areas; and to promote pedestrian, bicycle and mass transit access to the site.

§ 265-43 Design standard.

- A. In order to assure that proposed developments take into consideration future levels of service, all proposed public and private streets, including alleys and internal circulation drives, as well as points of ingress and egress, shall be designed to adequately accommodate projected normal peak period traffic volumes of the development as well as the adjacent roadways at full build-out and occupancy, known as the horizon year.
- B. The City of Lancaster has adopted a Complete Streets Policy, therefore all subdivision and land development projects shall include, where applicable, an interconnected network of transportation facilities that accommodates all modes of travel in a manner consistent with the community context and goals and that incorporates green infrastructure measures, where appropriate.

§ 265-44 Levels of traffic/transportation impact study.

A. Traffic/Transportation Impact Study Warrants

If required by the Commission, and in consideration of the recommendation of the City Engineer, a written traffic/transportation study shall be prepared for subdivision or land development applications, with the level of analysis or study determined by volume of traffic, as set forth below, except that the following subdivisions or land developments are exempt from this requirement:

- (1) Development that generates less than 50 new vehicle trips in the peak direction (inbound or outbound) during the site's peak traffic hour.
- (2) Development within that area of the City bounded on the north by James Street, on the east by Lime and Church Streets, on the south by Conestoga Street, and on the west by Water, West Strawberry and Charlotte Streets.

- B. The study shall be prepared by a professional transportation planner, transportation engineer, or other qualified professional and shall identify improvements/facilities to be installed or actions to be undertaken by the applicant. The applicant shall utilize the following, as amended from time to time, as a guide in preparing the study: Pennsylvania Department of Transportation's Policies and Procedures for Transportation Impact Studies; PennDOT Publication 282, Highway Occupancy Permit Guidelines; PennDOT Publication 46, Traffic Engineering Manual; PennDOT Publication 212 (67 PA Code Chapter 212) Official Traffic Control Devices; PennDOT Smart Transportation Guide Book; the Institute of Transportation Engineers (ITE) Transportation Impact Analyses for Site Development; ITE's Promoting Sustainable Transportation Through Site Design; or other applicable publications.
- C. A traffic study prepared for PennDOT, using PennDOT policies and procedures, may be submitted to meet the City of Lancaster SALDO traffic/transportation impact study requirement, provided the City requirements have been addressed, including providing accommodations for pedestrian, bicyclists, and transit. The City must approve the scope of the study as identified in the PennDOT Transportation Impact Study Scoping Meeting Application form.
- D. Abbreviated Traffic Study and Pedestrian Safety Analysis.

For residential or nonresidential development generating less than 100 vehicle trips in the peak direction (inbound or outbound) during the site's peak traffic hour, except as exempted in § 265-44A, a written, abbreviated traffic study and pedestrian safety analysis shall be submitted at the time of preliminary plan application or at the time of final plan application if the preliminary plan has been waived as per § 265-22 or § 265-24.

- (1) The abbreviated traffic study and pedestrian safety analysis shall include, at a minimum, the following:
 - (a) Existing and proposed pedestrian paths from streets and within the site to entrances and exits of all buildings;
 - (b) Existing and proposed facilities to accommodate public transit and bicycle access to the site;
 - (c) Projected daily and peak a.m., p.m., and Saturday traffic volumes of the development;
 - (d) Current ADT and peak hour volumes of streets adjacent to any access drives;
 - (e) LOS (level of service) of existing and proposed access drives;
 - (f) Types of vehicles (categories of vehicles), and modal split (vehicles, pedestrians, bicyclists, and transit riders) accessing the site; and
 - (g) Proposed sight distances at access drives; and
 - (h) Available sight distances at all existing and proposed access drives.

- (2) The study shall identify actions to be undertaken by the applicant, including the enhancement or modification of existing transportation facilities to ensure the following:
 - (a) Safe pedestrian and bicycle access to the site and to entrances and exits of all buildings within the site;
 - (b) Provision of public transit to the site;
 - (c) Accommodation for public transit loading/unloading if adjacent to a transit route;
 - (d) Adequate measures to ensure pedestrian safety at points of conflict with vehicular traffic;
 - (e) New or modified vehicular access drives serving the development operating at a LOS of D or better;
 - (f) Other existing access drives impacted by the proposed development operating at a LOS of D or better;
 - (g) Safe sight distance for all access drives, including consideration of parking, street furnishings and obstructive vegetation.

E. Full Traffic Study and Pedestrian Safety Analysis.

For residential or nonresidential development generating 100 or more new vehicle trips in the peak direction (inbound or outbound) during the site's peak traffic hour, or where current traffic problems exist in the local area as identified by the City Engineer, Chief City Planner and other appropriate City staff, such as high accident locations or confusing or congested intersections which directly affect access to and from the development, a written, full traffic study and pedestrian safety analysis shall be submitted at the time of preliminary plan application or at the time of final plan application if the preliminary plan has been waived as per § 265-22 or § 265-24. The study area shall be determined in coordination with the City Engineer, Chief City Planner and other appropriate staff and shall include, at a minimum, any intersection abutting the site.

- (1) The full traffic study and pedestrian safety analysis shall include, at a minimum, the following:
 - (a) Existing and proposed pedestrian paths from streets and within the site to entrances and exits of all buildings;
 - (b) Existing and proposed facilities to accommodate public transit and bicycle access to and within the site;
 - (c) Current ADT and peak hour volumes of all study area streets and intersections;
 - (d) Current LOS of all study area intersections;
 - (e) Summary of crashes for the roadways and intersections abutting the site, and other study intersections as directed by the City Engineer and Bureau of Police;

- (f) Projected horizon year ADT and peak hour volumes of all study area streets without the development based on a growth rate and any known background developments. The growth rate and background developments should be coordinated with the City Engineer and Chief City Planner;
 - (g) Projected horizon year LOS of all study area intersections without the development;
 - (h) Site traffic generation, including projected ADT and peak hour volumes of the development based on the latest edition of ITE Trip Generation;
 - (i) Site traffic distribution and assignment;
 - (j) Types of vehicles (categories of vehicles), and modal split (vehicles, pedestrians, bicyclists, and transit riders) entering the site. Reductions in the total vehicular trips may be applied based on pedestrian/transit use as identified in PennDOT's Transportation Impact Study Guidelines.
 - (k) Projected horizon year ADT and peak hour volumes of all study area streets and intersections with the development;
 - (l) Projected LOS of all study area intersections with the development, including all existing and proposed access drives;
 - (m) An assessment of the change in roadway operating conditions resulting from the development traffic;
 - (n) Available sight distances at all existing and proposed access drives.
- (2) The study shall identify actions to be undertaken by the applicant, including the enhancement or modification of existing transportation facilities, to ensure the following:
- (a) Safe pedestrian and bicycle access to and within the site;
 - (b) Provision of public transit access to the site and accommodation for public transit loading/unloading if adjacent to a transit route;
 - (c) Adequate measures to ensure pedestrian safety at points of conflict with vehicular traffic;
 - (d) New or modified vehicular access drives serving the development operate at an overall intersection LOS D or better;
 - (e) Other existing access drives impacted by the proposed development continue to operate at LOS D or better;
 - (f) No reduction in the overall LOS of intersections within the study area as a result of the development; however, if the intersection already has an LOS F, no increase in the intersection delay shall occur;
 - (g) Safe sight distance is provided for all access drives, including consideration of parking and street amenities;

- (h) Where high incidence of accidents for any adjacent intersection exists, safe sight distances, adequate traffic control restrictions, and safe pedestrian crossings for each adjacent impacted intersection;
 - (i) Any development located within a school zone, as defined by PennDOT Publication 212, must ensure safe pedestrian crossings are incorporated at the appropriate access drive locations based on the walking routes to school.
- (3) If the study identifies LOS impacts which cannot be mitigated through traditional strategies, or if the mitigation would be inconsistent with the City Complete Streets Policy, the applicant must coordinate with Public Works staff to develop an alternative improvement plan.
- (a) This plan shall include the following:
 - [1] Clear documentation of the basis for pursuing alternative improvements, e.g. physical or historic impacts;
 - [2] Other transportation related improvements proximate to the site and comparable in cost to traditional mitigation.
 - (b) The alternative improvement may be oriented towards vehicular, pedestrian, bicycle and transit enhancements and must contribute to the reduction of congestion or otherwise further the City goal of providing a complete transportation system.

§ 265-45 Parking lot safety.

Parking lots shall be designed to allow for the safe flow of vehicular and pedestrian traffic in accordance with Chapter 300, Zoning, and Chapter 202, Parking Lots, of the Code of the City of Lancaster.

§ 265-46 Plan approval.

- A. Preliminary plan approval may be conditioned upon the applicant's provision of traffic and pedestrian safety analysis and/or traffic impact studies reasonably acceptable to the Commission as well as upon the applicant's offer of mitigation proposals to achieve the performance standards set forth in § 265-44 D(2) and E(2).
- B. In those instances where the developer proceeds with the installation of the required improvements following unconditional preliminary plan approval or the satisfaction of all preliminary plan conditions, the final plan approval may be conditioned upon implementation of adequate traffic improvements/facilities as determined by the Commission.

Chapter 265: SUBDIVISION AND LAND DEVELOPMENT

Article IX: Parks and Recreational Facilities

§ 265-47 Provision of parks and recreational facilities.

§ 265-48 Plan requirements for parks and recreational facilities.

§ 265-49 Payment of fees in lieu of dedication or reservation.

§ 265-47 Provision of parks and recreational facilities.

A. Threshold.

- (1) Any residential subdivision or land development plan with the capacity to house 100 or more persons shall provide land for park and recreation purposes or the developer shall pay a fee as provided by this article;
- (2) A multifamily development with the capacity to house 100 or more persons may, as an alternative to the designation of land to satisfy the park and recreation requirement, provide indoor recreational facilities within the multifamily development, such as a community room or fitness area, subject to the approval of the Commission.

B. Computation of land and people.

- (1) The ratio of dedicated or privately held land, based on the City's park, recreation and open space plan guideline of 1.0 acre per 1,000 people, shall be 0.001 acre (43.56 square feet) per person.
- (2) In computing the number of persons in the development, all phases of plan approval and construction shall be counted.
- (3) The estimated number of people per unit shall be one for efficiency or one bedroom units plus one additional person for each bedroom thereafter. Developments of less than 100 persons shall be exempt from this requirement.

§ 265-48 Plan requirements for parks and recreational facilities.

- A. Location. The land or fees, or combination thereof, shall be used only for the purpose of providing, acquiring, operating or maintaining park or recreational facilities reasonably accessible to the proposed development and shall bear a reasonable relationship to the use of the park and recreational facilities by future residents of the development or subdivision.
- B. Lots adjacent to the Conestoga River. Where the subdivision or land development is adjacent to the Conestoga River, the applicant shall reserve within the floodplain a natural area of undisturbed open space, at least 50 feet wide, in order to preserve a Conestoga River greenway, as recommended by the City's current park, recreation and open space plan, the County of Lancaster Comprehensive Plan Green Infrastructure Element, and the Lancaster Inter-Municipal Committee Regional Park and Open Space Plan. In lieu of partial or complete dedication of land, developments adjacent to the Conestoga River may propose the designation and establishment of a public access greenway easement with a minimum width of 12 feet and a clear path of eight feet for a walking/biking trail, which provides direct

access to the river and is situated so that it may be connected with existing or proposed adjacent riverbank trails, parks and open spaces.

- C. Recreational improvements. Recreational facilities for use by development residents shall be shown or noted on the subdivision and land development plan, tailored to the residents' needs and budgeted as part of the project's improvement costs as per § 265-50 B.
- D. Design criteria for park and recreational facilities.
 - (1) Areas to be designated for parks and recreation shall provide facilities reasonably accessible to the development and complement existing adjacent parks, trails, natural areas and sensitive ecological areas. All designated recreational lands and facilities shall be suitable for their intended use, free of environmental contamination, and shall be developed in conformance with the City's current park, recreation and open space plan.
 - (2) All land to be offered for dedication shall be acceptable to the City.
 - (3) All designated parks and recreation facilities shall meet the following criteria:
 - (a) Lands shall be adjacent to a public street or accessible by way of an easement designed for vehicular and pedestrian access;
 - (b) The park site shall be located in a manner which best serves all residents and protects natural and environmentally sensitive areas;
 - (c) Not more than 25% of the land shall contain stormwater management facilities;
 - (d) At least 50% of the designated area shall be at a grade not exceeding 6%;
 - (e) All facilities constructed by the developer shall be in accordance with current building codes, established NRPA standards and prevailing safety requirements;
 - (f) The site shall have access to sewer and water unless it is deed-restricted to prohibit development which would require utilities;
 - (g) Sites and facilities shall conform to the City's current park, recreation and open space plan and shall employ sound planning, engineering and landscape architecture principals. In addition, the applicant shall obtain the written comments of the City Superintendent of Parks and Public Property.
- E. Private park and recreation alternatives. In lieu of dedication of land, the developer may propose the private reservation of land and recreational improvements, or a combination of public and private holdings. Recreational facilities proposed under this subsection shall require that the Commission find that the alternative offered by the developer is equal or superior to the public dedication of land, as required by this article. At the time of final plan submission, and if applicable, the applicant shall submit a homeowner's association agreement or other document, subject to review and approval by the City, describing how the park and/or recreational facilities will be used or maintained.
 - (1) Privately held land and recreational improvements shall meet one or more of the following criteria:

- (a) Park land suitable for the passive or active recreational needs of the residents shall be calculated at 43.56 square feet per person based on projected occupancy load.
- (b) If the residences are more than one-half mile (2,640 feet) walking distance from a public park containing facilities suitable for the intended occupants of the project, the developer shall prepare an analysis of facilities that are proposed to be constructed that will meet the needs of the residents. Examples of private facilities may include common gathering areas and activity rooms where social events may be held, multi-purpose rooms, gym and exercise rooms, pools, patios and outdoor seating areas, rooftop open space improved for seating, walking or gathering, common balconies, play areas, game courts, or outdoor private walkways, 4 feet or wider, that offer connectivity between buildings or adjacent walkways and trails and which provide a means of pedestrian circulation for exercise purposes.

§ 265-49 Payment of fees in lieu of dedication or reservation.

- A. Fee in lieu of dedication. The Commission may consent to the payment of a fee by the developer to the City of Lancaster in lieu of the dedication of land when the Commission determines that the payment of a fee would more adequately provide park or recreational facilities accessible to the proposed development. A payment of a fee in lieu of dedication of such land shall be required in accordance with the following:
 - (1) The amount of the fee shall be based upon the fair market value of the land, based on the unimproved land value, otherwise required for dedication.
 - (2) The fee shall be paid to the City prior to the unconditional approval and recording of the final plan.
 - (3) All fee payments in lieu of dedication received pursuant to this section shall be used solely and exclusively for providing park or recreational facilities included in the City's current park, recreation and open space plan, and reasonably accessible to the development. Use of the payment may include acquisition of land for parks, construction of playgrounds, game courts, or other recreational facilities; the construction of improvements on new or existing sites; or operating or maintenance expenses for existing parks. The fees are to be used only for the purposes of providing, acquiring, operating or maintaining park or recreational facilities reasonably accessible to the development.
- B. Park fund. Moneys paid by the developer in lieu of park dedication shall be deposited with the City and placed in a separate interest-bearing account, clearly identified as reserved for the purposes noted above. Interest earned on the account shall become funds of that account. Funds from such account shall be expended only in properly allocable portions of the cost incurred to provide, acquire, operate or maintain facilities reasonably accessible to the development site.
- C. Refund of fee. Upon request of any person who paid any fee under this subsection, the City shall refund such fee, plus interest accumulated thereon from the date of payment, if the City used the fee paid for a purpose other than the purposes set forth in § 265-49A(3).

Chapter 265: SUBDIVISION AND LAND DEVELOPMENT

Article X: Improvement Construction Assurances

§ 265-50 Improvement required.

§ 265-51 Construction standards.

§ 265-52 Inspection of required public improvements.

§ 265-53 Inspection of required private improvements.

§ 265-54 Improvement construction guaranty.

§ 265-55 Inspection during construction.

§ 265-56 Dedication of improvements.

§ 265-57 Maintenance guaranty.

§ 265-58 Remedies to effect completion of improvements.

§ 265-50 Improvement required.

No project shall be considered completed until the following public and private improvements, as required by the approved plan, have been installed:

- A. Public or private street improvements including paving, curbs, sidewalks, sanitary sewer and appurtenances, stormwater system, water mains and appurtenances, inlets, manholes, street trees/landscaping, street lighting, lane markings, street name and regulatory signage, bridges, culverts, guard/guiderrails, grading, seeding, erosion and sedimentation control facilities, monuments and markers, and associated improvements.
- B. Public or private improvements/amenities depicted on the final plan and/or agreed to by the applicant, including but not limited to such items as on- or off-site vehicular and pedestrian-related improvements and facilities, site lighting, monuments and markers, recreational facilities and easements, bicycle or hiking trails, guiderails or other safety improvements, trees and other landscaping, stormwater control facilities, and relocation of public or private improvements.
- C. Public or private improvements/amenities, either on- or off-site, which are required by other codes or ordinances or which are required as a condition of project approval by other boards or commissions, and so noted on the plan.
- D. If requested by the developer or the developer's financial institution, in order to facilitate project financing, the Planning Bureau shall furnish the developer or the financial institution a letter stating that the plan may be recorded contingent upon the party posting the required financial guarantee. The final plan or plat shall not be recorded until the improvement guarantee has been executed. The letter indicating Planning Commission approval or conditional approval subject to the posting of a financial guarantee, shall expire 90 days following mailing, hand delivery or emailing to the party requesting the letter unless a written extension is granted by the Planning Commission.

§ 265-51 Construction standards.

All improvements required by this chapter shall be designed and constructed in conformance with this chapter and the ordinances for the City of Lancaster, and the technical standards set forth in the Construction Specifications and Guidelines Manual of the City of Lancaster, which

standards and guidelines are incorporated herein by reference as if fully set forth, unless the appropriate City official with authority to review the proposed construction designates an alternative method or standard. Except as specifically provided for in this chapter, nothing contained in this chapter shall be construed to affect the other ordinances of the City of Lancaster. The Construction Specifications and Guidelines Manual of the City of Lancaster is on file in the office of the City Engineer and the Planning Bureau, where copies are available for public examination.

§ 265-52 Inspection of required public improvements.

The City Engineer and designated inspection staff shall be responsible for inspection and approval of the required public improvements. The City Engineer and developer shall agree upon a notification procedure and a schedule of inspections to be made during construction and upon completion of all improvements. Should the City Engineer and developer fail to agree on a notification procedure and schedule of inspections, the City Engineer shall establish the schedule, which shall be binding. The developer shall reimburse the City for all administrative and inspection costs associated with the project based upon the fee schedule adopted by resolution of City Council and referenced in § 265-5.

§ 265-53 Inspection of required private improvements.

The Planning Bureau, with the assistance of other City Bureaus, shall be responsible for assuring that all private improvements have been installed prior to the developer being released from any improvement construction guaranty and/or issuance of a certificate of occupancy.

§ 265-54 Improvement construction guaranty.

In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required pursuant to Section 509(i) of the MPC, which addresses development in stages over a period of years, the applicant shall deposit, prior to plan recordation, financial security in an amount sufficient to cover the costs of such improvements or common amenities, including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, parking facilities, recreational facilities, open space improvements, or landscaping or screen plantings which may be required. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law." Improvement construction guarantees shall contain item descriptions of the improvements which the guarantee covers, including any improvements or activities of a temporary nature, and shall be subject to acceptance by the City. The applicant shall provide an improvement construction guarantee prior to the Commission signing the final plan.

A. Form of financial security. The following are acceptable forms of guaranties. All other forms of guaranties must be individually approved by the Commission.

- (1) Surety performance bond. A bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. Bonds shall be payable to the City.
- (2) Escrow account. A deposit of cash, either with the City, or held in escrow with a federal or Commonwealth chartered financial institution. Any interest earned by moneys

deposited with the City shall be retained by the City to manage the account. In the case of an escrow account with a financial institution, the applicant shall file, with the City, an agreement between the financial institution and the applicant guaranteeing the following:

- (a) That the funds of said escrow account shall be held in trust until released by the City, and may not be used or pledged by the applicant as security in any other matter during that period;
 - (b) In the case of a failure on the part of the applicant or developer to complete said improvements, the institution shall immediately make the funds in said account available to the City for use in the completion of those improvements.
- (3) Letter of credit. An irrevocable commercial letter of credit provided by the applicant from a federal or Commonwealth chartered financial institution or other reputable institution. This letter shall be deposited with the City and shall certify the following:
- (a) The amount of credit.
 - (b) In case of failure on the part of the developer to complete the required improvements within a time period specified in a written agreement or the letter of credit, the City shall take action to have the creditor pay to the City, immediately and without further action, upon presentation of a sight draft drawn on the issuing lending institution in an amount to which the City is entitled, or upon presentation of the original letter of credit, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
 - (c) The letter of credit is irrevocable and may not be withdrawn, or reduced in amount, until release or partially released by the City.
- (4) Loss of security. Failure to maintain a current acceptable form of financial security shall cause the City to suspend the issuance of any permits or certificates of occupancy.

B. Amount of guaranty.

- (1) The amount of financial security to be posted for the completion of the required public and private improvements shall be equal to 110% of the anticipated construction and installation costs, which may or may not include prevailing wage rates, which costs shall be approved by the City. Costs shall be estimated as of 90 days following the date scheduled for completion by the developer. The City may adjust the amount of financial security annually by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the applicant or developer shall post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the applicant or developer in accordance with this subsection.
- (2) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer, and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The City,

upon the recommendation of the City Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the City are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the municipality and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the applicant or developer and the City.

- (3) If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from each posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements, as re-established on or about the expiration of the preceding one-year period by using the above estimating procedure.
- C. Protection of final phases. In the case where development is projected over a period of years, the Commission may authorize submission of final plans by section or stages of development, subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
 - D. Record drawings. After final plan approval and upon completion of all required improvements, the developer shall submit record drawings showing the location, dimension and elevation of all improvements. Such plans shall indicate that the required grading, drainage structures and/or drainage systems and erosion and sediment control practices have been installed in substantial conformance with the previously approved final plan. The record drawings shall specify all deviations from the previously approved drawings. One paper set of plans shall be submitted to the City for review and approval. After approval is granted, one copy of all plans shall be submitted to the City in mylar form along with any deed of dedication for public property or easement. If required by the Planning Bureau, revised mylars shall be recorded by the developer so as to supersede the previously recorded final plan in order to provide an accurate public record of the location of required improvements; and evidence of such recording shall be provided to the City.
 - E. Partial release of funds. As the work of installing the required improvements proceeds, the party posting the financial security may request the City to release or authorize the release of, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Planning Bureau. The City shall have 45 days from receipt of such request to certify, in writing, that such portion of the work has been completed in accordance with the approved plan. Upon such certification, the City shall authorize release by the bonding company or lending institution of an amount fairly representing the value of the improvements completed. If the City fails to act within said 45-day period, the request for release of funds shall be deemed to have been approved. Prior to final release at the time of completion and certification by the City Engineer, the City may require retention of 10% of the estimated cost of the aforesaid improvements.

F. Release from improvement bond guaranty.

- (1) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Planning Bureau, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the City Engineer. The Planning Bureau shall, within 10 days after receipt of such notice, direct and authorize the City Engineer and designated inspection staff to inspect the improvements. Within 30 days of authorizing the City Engineer to inspect the improvements, the Planning Bureau shall mail a report to the developer by certified or registered mail. The report shall either indicate acceptance of the work or shall identify improvements which are not approved and shall describe what corrective actions the developer must undertake. If all required improvements are accepted, the full amount of the financial guarantee including any retainage shall be returned to the developer.
- (2) Should there be any question on the performance of an improvement, the full amount of the guarantee posted in the form or a bond or letter of credit may be released and replaced by a cash guarantee in an amount determined by the Planning Bureau to be sufficient to cover replacement costs of any questionable improvements. The developer and City may agree to retain a fixed amount as a guarantee for 12 months to assure that improvements perform as expected. In the case of improvements dedicated to the City, § 265-57, Maintenance guaranty, shall apply.
- (3) If the Planning Bureau fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the applicant or developer shall be released from all liability, pursuant to the performance guaranty bond or other security agreement.
- (4) If any portion of the said improvements shall not be approved or shall be rejected, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- (5) Nothing herein, however, shall be construed in limitation of the applicant's or developer's right to contest or question, by legal proceedings or otherwise, any determination.
- (6) Improvements accepted by the City Engineer shall not become public until dedication occurs, as specified under § 265-56.

§ 265-55 Inspection during construction.

A. Inspections required.

- (1) The Planning Bureau and the City Engineer shall require inspections of the plans for correctness, and inspections of the construction of the improvements. The City may elect to perform inspections of the construction for any improvement that is identified on the Engineer's cost estimate for items outlined in § 265-50, in which case the financial guaranty will be deposited in the City's name, by notifying the Planning Bureau for each project that inspection responsibility will be assumed. The applicant shall agree to pay the cost of inspections, as referenced in § 265-5D.
- (2) The developer shall provide at least a 48-hour written notice to the City Engineer prior to the start of construction of any required improvements that are subject to inspection.

- B. Reimbursement for City inspections disputes. An applicant or developer who disputes the amount of inspection costs charged to the project by the City may seek relief by following the procedure prescribed under Section 510 of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

§ 265-56 Dedication of improvements.

All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by City Council or an authority by ordinance, resolution, deed or other formal document. No responsibility of any kind with respect to improvements shown on the final plan shall be assumed or transferred until the improvements have been formally accepted. No improvement shall be accepted for dedication except upon submission of record drawings by the developer and acceptance based on inspection of the final construction.

§ 265-57 Maintenance guaranty.

When the City Council and/or an authority accepts dedication of all or some of the required improvements following completion, the governing body may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a period not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this article with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

§ 265-58 Remedies to effect completion of improvements.

In the event that any improvements which may be required have not been installed as provided in this chapter or in accord with the approved final plan, the City is hereby granted the power to enforce any corporate bond or other security by appropriate legal and/or 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 City may, at its option, install part of such improvements in all or part of the subdivision or land development, and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

Chapter 265: SUBDIVISION AND LAND DEVELOPMENT

Article XI: Violations and Penalties

§ 265-59 Violations and penalties.

§ 265-59 Violations and penalties.

- A. Any person, partnership or corporation who or which has violated any provisions of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the City, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the City 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 City may enforce the judgment pursuant to the applicable rules of the 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 this chapter 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 the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this section.
- D. In addition to other remedies, the City may institute such preventive remedies as provided for in Section 515.1 of the Pennsylvania Municipalities Planning Code.

APPENDIX A

1. Certificate for Lancaster City Planning Commission Approval

Approved by the Lancaster City Planning Commission this _____ day of _____, 20__.

Chairman or Vice-Chairman

2. Certificate for Minor Plan Planning Staff Approval

Approved by the City of Lancaster under the Minor Plan provisions of Chapter 265 Article V

_____, 20__
(Staff Signature) (Date)

3. Certificate for City Engineer Approval

Approved by the City Engineer this _____ day of _____, 20__.

City Engineer

4. Certificate of Survey Accuracy

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

(Signature of Registered Surveyor) (Seal of Surveyor)
_____, 20__.

5. Certificate of Plan Accuracy

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

(Signature of Registered Engineer or Landscape Architect) (Seal of Professional)
_____, 20__.

6. Stormwater Acknowledgement by Owner

I (we) the undersigned owner (s) of the real estate shown and described hereon, do acknowledge the Stormwater Management Facilities shown and described hereon are to be permanent fixtures that cannot be altered or removed unless a revised Plan is approved by the City of Lancaster.

Owner(s) _____ Date

7. City of Lancaster Stormwater Management Site Plan Approval

On this date _____, 20____, the City of Lancaster approved this project, and all conditions have been met. This approval includes the complete set of plans and information that are filed with the City of Lancaster in File No. _____, based upon its conformity with the standards of the City of Lancaster Stormwater Management Ordinance.

(Stormwater Program Manager or designee)

8. Certificate of Accuracy for (Stormwater Management, Traffic Impact or Other Improvements) Plan

I hereby certify, that to the best of my knowledge, the (Stormwater Management, Traffic Control Facilities or other plan details not covered by the Certificate of Plan Accuracy) shown and described hereon are designed in conformity with the Lancaster City Subdivision and Land Development Ordinance.

_____ (Seal of Professional)
(Signature of Registered Professional responsible for the design improvement)

9. Certificate of Individual Ownership and Acknowledgement of Subdivision or Land Development Plan

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER

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

(Signature of Owner/Equitable Owner)

Witness my hand and seal the day and date above written.

(Signature and Seal of Notary Public)

My Commission Expires _____, 20__

10. Certificate of Business or Corporate Ownership and Acknowledgement of Subdivision or Land Development Plan

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LANCASTER

On this, ___ day of _____, 20___, before me, the undersigned officer, personally appeared _____, being the (Individual's Title) of (Business or Corporation) who being duly sworn according to law, deposes and says that (Business or Corporation) is the owner or equitable owner of the property shown on this plan, and that the plan is the act and deed of (Business or Corporation), which desires the same to be recorded as such according to law.

Witness my hand and seal the day and date above written.

(Signature and Seal of Notary Public)

My Commission Expires _____, 20__

11. Offer of Dedication Certificate

I (We), the undersigned Owner(s) of the real estate shown and described hereon, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plat and subdivide said real estate in accordance with this plan, and that all proposed streets, alleys, easements, recreational land, and other public areas shown and not heretofore dedicated, are hereby dedicated to the public use (excepting those areas labeled "Not For Dedication").

_____, 20____
(Add a signature line for each owner or representative and a date line for each signature)

APPENDIX B
PRELIMINARY PLAN

DEVELOPER'S AGREEMENT

ON THIS ____ DAY OF _____, 20__, THIS AGREEMENT is entered into by and between the Lancaster City Planning Commission, hereinafter called "Commission," and _____, hereinafter called "Developer."

WHEREAS, the Developer has submitted to the Lancaster City Planning Commission, a plan and application for Subdivision or Land Development Plan located in the City of Lancaster, Pennsylvania, known and designated as _____ and located at _____; and

WHEREAS, the Commission is permitting the Developer to install certain public and/or private improvements prior to the approval of a Final Plan and is not requiring the posting of a bond or other security; and

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

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

1. The Developer, at his own cost and expense, shall proceed to perform and complete all improvements required by the Developer's Subdivision or Land Development, subject to the review and approval of the plans and specifications by the Commission and City Engineer.
2. The Commission or its designee and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all improvements.
3. Upon completion of the improvements, the Developer shall give notice to the Chief Planner and the City Engineer in writing to inspect the improvements. The City Engineer and other appropriate City staff shall inspect the improvements within 30 days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan, acceptable engineering practices, and other relevant City codes and standards. If the Chief Planner or City Engineer disapproves any improvement, they shall notify the Developer promptly in writing and state the reasons for the disapproval. Upon receipt of written rejection of any of the improvements, the Developer shall proceed to complete same as required and, upon completion, follow the same procedure of notification as indicated above.

4. The Developer agrees to reimburse the Commission or its designee for engineering and inspection services necessitated by project. The hourly rate charged shall be the rate applicable to the individual performing the work. It is agreed that the inspection services shall be payable by the Developer within 30 days after date of invoice and prior to final approval of the Developer's Subdivision or Land Development Plan or release of financial security, whichever is applicable.

5. Where applicable, the Developer agrees to reimburse the City for Solicitor services necessitated by the review and approval of the Developer's plan and necessitated by the review of all required bonds, securities, easements, deed restrictions, etc. It is agreed that the Solicitor's services shall be payable within 30 days after date of invoice and prior to final approval of Developer's Subdivision or Land Development Plan or release of financial security.

6. The Developer, its heirs and assigns, agree to save harmless and indemnify the Commission and the City of Lancaster for any costs, damages, claims and expenses, including legal fees.

IN WITNESS WHEREOF, the parties hence caused this Agreement to be executed on this _____ day of _____.

PLANNING COMMISSION
CITY OF LANCASTER

By: _____
Chairman

By: _____
Chief Planner

DEVELOPER

By: _____
Owner or President

ATTEST

Witness

APPENDIX C
FINAL PLAN

DEVELOPER'S AGREEMENT

ON THIS ____ DAY OF _____, 20__, THIS AGREEMENT is entered into by and between the Lancaster City Planning Commission, hereinafter called "Commission," and _____, hereinafter called "Developer."

WHEREAS, the Developer has submitted to the Lancaster City Planning Commission, a plan and application for Subdivision or Land Development Plan located in the City of Lancaster, Pennsylvania, known and designated as _____ and located at _____; and

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

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

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

1. The Developer, at his own cost and expense, shall proceed to perform and complete all improvements required by the Developer's Subdivision or Land Development, subject to the review and approval of the plans and specifications by the Commission.
2. In lieu of the completion of the improvements required as a condition for the final approval of the Developer's Subdivision or Land Development Plan, the Developer shall provide for deposit with the Commission, financial security (consistent with Section 509 of the MPC) in an amount sufficient to cover the costs of any improvements including, but not limited to, roads, stormwater facilities, utilities, paving, lighting, pedestrian and traffic improvements and other related facilities. Such bond, or other security, shall provide for, and secure to the public, the completion of the improvements within one year of the date of the Commission's

approval of the final plan. The amount of financial security shall be equal to 110 percent of the cost of the required improvements for which financial security is to be posted. The cost of the improvements shall be established by submission to the Commission of an estimate prepared by the Developer's engineer, subject to review, comment, and approval by the City Engineer.

3. The City and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all improvements.
4. Upon completion of the improvements, the Developer shall give notice to the Chief Planner and the City Engineer in writing to inspect the improvements. The City Engineer and other appropriate City officials shall inspect the improvements within 30 days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan, acceptable engineering practices, and other relevant City codes and standards. If the Chief Planner or City Engineer disapproves any improvement, they shall notify the Developer promptly in writing and state the reasons for the disapproval. Upon receipt of written rejection of any of the improvements, the Developer shall proceed to complete same as required and, upon completion, follow the same procedure of notification as indicated above.
5. The Developer agrees to reimburse the Commission or its designee for engineering and inspection services necessitated by project. The hourly rate charged shall be the rate applicable to the individual performing the work. It is agreed that the inspection services shall be payable by the Developer within 30 days after date of invoice and prior to final approval of the Developer's Subdivision or Land Development Plan or release of financial security, whichever is applicable.
6. Where applicable, the Developer agrees to reimburse the City for Solicitor services necessitated by the review and approval of the Developer's plan and necessitated by the review of all required bonds, securities, easements, deed restrictions, etc. It is agreed that the Solicitor's services shall be payable within 30 days after date of invoice and prior to final approval of Developer's Subdivision or Land Development Plan or release of financial security.
7. The Developer, its heirs and assigns, agree to save harmless and indemnify the Commission and the City of Lancaster for any costs, damages, claims and expenses, including legal fees.

IN WITNESS WHEREOF, the parties hence caused this Agreement to be executed on this _____ day of _____.

PLANNING COMMISSION
CITY OF LANCASTER

By: _____

Chairman

By: _____

Chief Planner

DEVELOPER

By: _____

Owner or President

ATTEST

Witness

APPENDIX D

LANCASTER COUNTY-WIDE COMMUNICATIONS
28 South Charlotte Street
P.O. Box 219
Manheim, Pennsylvania 17545-0219

DATE: _____

LCPC File No. _____

City File No. _____

Plan Name:

Plan Location:

(Between what streets and/or attach a site map)

The following new street names are proposed in the City of Lancaster: (list street names)

Names are ____ approved ____ not approved by Lancaster County-Wide Communications.

(Note: New street names shall first be submitted to the Bureau of Planning for comment prior to submitting a request to LCWC.)

Mail completed form to:

Municipal Building
Bureau of Planning
120 N. Duke Street
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