

# **SHREWSBURY BOROUGH**

## **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**YORK COUNTY, PENNSYLVANIA**

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**ORDINANCE NO. 1979-2 AS AMENDED**

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

An Ordinance establishing rules, regulations and standards governing the subdivision and development of land within the Borough of Shrewsbury, York County, Pennsylvania, pursuant to the authority granted in the Pennsylvania Municipalities Planning Code Act 247) as enacted and amended, setting forth the procedures to be followed by the Planning Commission and the Borough Council applying and administering these rules, regulations and standards and providing penalties for the violation thereof.

Be it Ordained by the Shrewsbury Borough Council, York County Pennsylvania as follows:

**ARTICLE I**

**SHORT TITLE, PURPOSE, AUTHORITY AND JURISDICTION**

**SECTION 101 SHORT TITLE**

This Ordinance shall be known as and may be cited as the "Shrewsbury Borough Subdivision and Land Development Ordinance."

**SECTION 102 PURPOSE**

The purpose of this Subdivision and Land Development Ordinance is to provide for the harmonious development of the Borough by:

- Assisting in the orderly and efficient integration of land developments within the Borough.
- Ensuring conformance of land development plans with the Comprehensive Plan, and public improvements plans.
- Ensuring the provision of adequate public facilities including roadways, walkways, street lighting, water supply, storm and sanitary sewerage facilities, recreation sites, open spaces and other improvements for the public health, safety and welfare.
- Ensuring coordination of inter-municipal public improvement plans and programs.
- Securing the protection of water resources and drainageways and other environmental resources.
- Facilitating the efficient movement of traffic.
- Securing equitable handling of all land development plans by providing uniform standards and procedures.
- In general promoting greater health, safety, and welfare of the citizens of the Borough.

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

### **SECTION 103 AUTHORITY AND JURISDICTION**

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

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

**a) Approval by the Borough Council:** The Shrewsbury Borough Council hereinafter referred to as the Borough Council, shall be vested with the authority to approve or disapprove all land development plans.

**b) Review by the Borough Planning Commission:** The Shrewsbury Borough Planning Commission, hereinafter referred to as the Planning Commission, shall be vested with the review of all land development plans.

**c) Review by the County Planning Commission:** All plans for subdivision or land development located within Shrewsbury Borough shall be forwarded upon receipt by Shrewsbury Borough to the York County Planning Commission for review and report. Shrewsbury Borough shall not approve such plans until the York County Planning Commission report is received or until the expiration of thirty (30) days from the date the application was forwarded to the York County Planning Commission.

## ARTICLE II

### DEFINITIONS

#### SECTION 201 INTENT

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

#### SECTION 202 GENERAL USAGE

- a) Words used in the present tense imply also the future tense.
- b) Words used in the singular imply also the plural.
- c) The words "person," "subdivider," "landowner," "developer," and "applicant" include a partnership or corporation as well as an individual.
- d) The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

#### SECTION 203 SPECIFIC WORDS AND PHRASES

**AGENT** - Any person other than the developer, who acting for the developer submits land development plans to the Borough Council for the purpose of obtaining approval thereof.

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

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

**BLOCK** - An area bounded by streets.

**BUILDING** - Any structure or edifice designed or intended for use as an enclosure, a shelter, or for protection of persons, animals, or property.

**BUILDING COVERAGE (PROPOSED)** - The portion of a lot which is proposed to be covered by buildings.

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

**COMPREHENSIVE PLAN** - The plan, or parts thereof, which have been adopted by the Borough Council, showing its recommendations for such systems as: land uses, parks and recreation facilities, water supply, sewerage and sewage disposal,

garbage disposal, transportation, highways, civic centers and other public improvements which affect the development of the Borough.

**CORNER LOT**- A lot abutting upon two streets at their intersection.

**CROSSWALK** - A right-of-way, municipally or privately owned, at least ten (10) feet wide, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

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

**CURB LINE** - The outside edge of the roadway.

**DETENTION FACILITY** - A reservoir, formed from soil or other material, to temporarily contain excess stormwater runoff and release it gradually into a watercourse or stormwater drainage system.

**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.

**DOUBLE FRONTAGE LOT**- A lot fronting on two streets other than a corner lot.

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

**DRIVEWAY** - A minor vehicular right-of-way providing access between a street(s) and a parking area or garage within a lot or property.

**DWELLING** - A building or structure designed for living quarters for one or more families, including mobile homes, but not including rooming houses, convalescent homes, motels, hotels, and tourist homes or other accommodations used for transient occupancy.



**DWELLING UNIT** - A building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking facilities.

**Single-Family** - A building designed and occupied exclusively as a residence for one family.

**Two-Family** - A building designed and occupied exclusively as a residence for two families.

**Multi-Family** - A building designed and occupied exclusively as a residence for three or more families.

**EASEMENT** - A limited right-of-use granted in private land for public or quasi-public purpose.

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

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

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

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

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

**IMPERVIOUS SURFACE COVERAGE (PROPOSED)** - The portion of a lot which is proposed to be covered by impervious surfaces such as, but not limited to, buildings, parking areas, driveways, sidewalks, etc.

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

**LAND DEVELOPMENT** - Any of the following activities: (1) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure or (ii) the division of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (2) a subdivision of land.

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

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

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

**LOT AREA** - The area contained within the property lines of an individual lot, excluding any area within a street right-of-way, but including the area of any easement.

**LOT WIDTH** - The distance between the side property lines measured along the street right-of-way line.

**MAJOR SUBDIVISION** - A subdivision involving six (6) or more lots or a subdivision involving five (5) lots or less and requiring new streets or other public improvements.

**MINOR SUBDIVISION** - A subdivision involving five (5) lots or less and involving no new streets or other public improvements.

**MOBILE HOME** - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILE HOME LOT**- A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK** - A parcel or contiguous parcels of land which has been so designed and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**OWNER** - The owner of record of a lot or parcel of land.

**PERFORMANCE BOND** - Any security in an amount and form satisfactory to Borough Council which may be accepted in lieu of a requirement that certain improvements be made prior to Final Plan approval as provided in s.611.

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

**Plan, Sketch** - An informal land development plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed land development prepared in accordance with s.401 of this Ordinance.

**Plan, Preliminary** - A tentative land development plan prepared in accordance with s.402 of this Ordinance.

**Plan, Final** - A complete and exact land development plan prepared in accordance with s.405 of this Ordinance.

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

**RETENTION FACILITY** - A reservoir, formed from soil or other material, to contain excess stormwater runoff and to allow it to gradually infiltrate into the underlying soil.

**RESUBDIVISION** - Any subdivision or land development which changes, or proposes to change property lines and/or public rights-of-way not in strict accordance with a land development plan previously approved.

**REVERSE FRONTAGE LOT**- A lot extending between and having frontage on a minor street and either an arterial street or collector street with vehicular access solely from the minor street.

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

**ROADWAY** - The portion of a street right-of-way which is paved, improved, designated or intended for vehicular traffic. Sometimes referred to as cartway.

**SCREEN OR BUFFER PLANTING** - A vegetative material of sufficient height and density to conceal from the view of adjacent property owners the structures and uses on the premises on which the screen planting is located.

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

**Setback, Front** - The distance between the street line and the front setback line projected the full width of the lot. Commonly called "front yard."

**Setback, Rear** - The distance between the rear lot line and the rear setback line projected the full width of the lot. Commonly called "rear yard."

**Setback, Side** - The distance between the side lot line and the side setback line projected from the front yard to the rear yard. Commonly called "side yard."

**SETBACK LINE** - A line within a property and parallel to a property or street line which delineates the required minimum distance between a structure and that property or street line.

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

**Arterial Street** - A street or road which is used primarily for fast or heavy traffic. Arterial streets include all streets identified as arterials in the Borough Comprehensive Plan.

**Collector Street** - A street which carries traffic from minor streets to the major system of arterial streets. Collector streets include all streets identified as collectors in the Borough Comprehensive Plan.

**Cul-de-sac Street** - A street with one end open for public vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

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

**Minor Street** - a street which is used primarily for access to the abutting properties.

**Service Street or Alley** - A public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation, heavy trucks or heavy equipment.

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

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

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

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

## **ARTICLE III**

### **PROCEDURE**

#### **SECTION 301 PREAPPLICATION CONSULTATION**

Copies of this Ordinance shall be available at reasonable charge on request for the use of any person who desires information concerning subdivision and land development standards and procedures in effect within Shrewsbury Borough. Any prospective developer may request a consultation with the Planning Commission at its next regularly scheduled meeting to discuss and review tentative plans and discuss the applicability of the provisions of this Ordinance. The Planning Commission will conduct a preapplication consultation at a particular meeting only if such a request was made at least ten (10) days prior to that meeting.

#### **SECTION 302 SUBMISSION OF SKETCH PLANS**

Prospective applicants are urged, but not required, to submit a Sketch Plan for review by the Planning Commission. Sketch Plans, if submitted, shall include at least those items listed in s.401. Such plans shall be submitted to the Borough Secretary. The Planning Commission will review a Sketch Plan at a particular meeting only if the Plan was submitted to the Borough Secretary at least ten (10) days prior to that meeting.

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

As far as may be practical on the basis of the Sketch Plan review and discussion, the Planning Commission will informally advise the prospective applicant of the extent to which the proposed land development conforms to the applicable provisions of this Ordinance and will discuss possible Plan modifications necessary to secure conformance.

#### **SECTION 303 SUBMISSION OF PRELIMINARY AND FINAL PLANS**

Applications for approval of Preliminary and Final Plans for all proposed subdivisions and land developments lying within the Borough shall be filed with the Borough Secretary. The Planning Commission will officially review an application for a Preliminary or Final Plan at a particular meeting only if comments have been received from the York County Planning Commission and the Borough Engineer and if the application was filed at least fifteen (15) days prior to that meeting.

The initial plan filed with the Borough Secretary for formal review and approval shall be considered as a Preliminary Plan. However, in the event that the initial Plan is for a subdivision involving five (5) lots or less and involving no new streets or other public improvements, the developer may proceed directly to Final Plan preparation in compliance with the requirements of s.405. The processing of a minor subdivision plan shall be consistent with the procedures for processing a Final Plan as required in this Article.

The developer shall submit the Preliminary and Final Plans drawn on linen or mylar material along with six (6) copies, blue or black line paper prints, as well as two (2) copies of the required supporting data. Preliminary and Final Plans shall comply with the requirements of Article IV.

An application for Final approval may be for all land included in the Preliminary Plan approval or for a section thereof. When Preliminary Plan Approval, either with or without conditions, has been granted by the Borough Council, the developer shall have a maximum of twelve (12) months after the Preliminary Plan Approval date to submit an Application for Final Approval. In the event the land development is to be constructed in stages or phases, the Application for Final Approval of the first stage or phase must be submitted within Twelve (12) months from the date of Preliminary Plan Approval and each successive stage or phase must be submitted within twelve (12) months of the preceding stage or phase. Failure to submit any Application for Final Approval of any stage or phase within the specified time period will void the approval of the Application for Preliminary Approval if a one (1) stage or phase development is being carried out, or will void the approval of the remaining stages or phases of the Application for Preliminary Approval on which applications for Final Approval have not yet been submitted in the case of a multiple stage or phase development. However, if the developer due to extenuating circumstances, cannot submit an Application for Final Approval of any stage or phase within the specified time period, he may apply to Borough Council for a time extension, prior to the expiration of such time period.

#### **SECTION 304 REFERRAL OF PLANS**

All Plans, whether Preliminary or Final, shall be forwarded by the Borough Secretary to the Borough Planning Commission for review and recommendation. If no report is received from the Borough Planning Commission within seventy-five (75) days, such Plan shall be considered as receiving favorable review and recommendation from the Planning Commission. The Borough Secretary shall also transmit one (1) copy of all Plans to the York County Planning Commission as required by s.103 of this Ordinance.

The developer shall also notify the following agencies as appropriate for review and written recommendations that the Preliminary or Final Plan has been submitted to the Shrewsbury Borough Planning Commission for review:

- One copy transmitted to the local office of the Pennsylvania Department of Environmental Resources for review and recommendations.
- One copy transmitted to the local office of the Soil Conservation Service of the U.S. Department of Agriculture for review and recommendations concerning erosion, sediment and drainage control.
- One copy transmitted to the local office of the Pennsylvania Department of Transportation for review and recommendations where the land development will front on an existing or proposed State Highway or has a proposed street entering on such a Highway.
- One copy transmitted to all affected public utilities who shall be requested to make recommendations as to the suitability of installing underground telephone and electric lines.
- One copy transmitted to the appropriate fire company officials for their review and comments.
- One copy transmitted to the Borough Engineer or other authorized person for review of engineering requirements.

#### **SECTION 305 REVIEW OF PLANS**

All Plans, whether Preliminary or Final, shall be reviewed by the Borough Planning Commission and Borough Council with reference to the following:

- The standards and requirements of this Ordinance.
- Any proposals contained in the Shrewsbury Borough Comprehensive Plan.
- Any proposals contained in the Shrewsbury Borough Comprehensive Sewage Plan.
- Site suitability for the particular type of development proposed.
- The availability for necessary services and facilities.
- The requirements of the Shrewsbury Borough Zoning Ordinance.
- The requirements of any other applicable Borough Ordinance.
- The Official Map of the Borough.
- The improvements, design and dedications or reservation required by this Ordinance.

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

- Borough Engineer.
- York County Planning Commission.
- Pennsylvania Department of Environmental Resources.
- Soil Conservation Service of the U.S. Department of Agriculture.
- Pennsylvania Department of Transportation.
- Affected Public Utilities.
- Local fire company officials.
- Interested citizens.

#### **SECTION 306 PUBLIC HEARINGS**

Before acting on any land development plan, the Borough Council may hold a public hearing thereon pursuant to public notice.

#### **SECTION 307 APPROVAL OF PLANS**

At a scheduled public meeting the Borough Council shall render its decision on the Plan, whether Preliminary or Final, and communicate its decision to the applicant not later than ninety (90) days following the date of the regular meeting of the Borough Planning Commission next following the date the application is filed with the Borough Secretary, provided that

should the said next regular meeting occur more than thirty days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed.

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

The decision of the Borough Council concerning Plan approval, whether Preliminary or Final, shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than five (5) days following the decision.

Borough Council may approve a Preliminary Plan or a Final Plan with conditions. If approval of the Plan is conditional, the applicant shall indicate his agreement of the conditions at the time of approval by signing either in person or by an authorized agent, a form in the presence of Borough Council prepared by the Borough listing the conditions imposed. A copy of the applicant's acceptance of the conditions imposed shall be attached to and become a part of the written decision of Borough Council. Failure of the applicant to agree to the conditions imposed shall be a denial of the Plan by Borough Council, and the decision of Council shall comply with the requirements of this section regarding plans for which approval is not given.

When the Plan is not approved in terms as filed the decision shall specify the defects found in the Plan and describe the requirements which have not been met and cite the provisions of these regulations relied upon.

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

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

However, if a Plan is properly and finally denied, any subsequent Plan shall be subject to any intervening change in Borough ordinance or plans. When an application for approval of a Plan, whether Preliminary or Final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the Zoning, Subdivision and Land Development or other Borough 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 three years from such approval. Where final approval is preceded by preliminary approval, the three-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 Borough Ordinances or Plans as they stood at the time when the Plan for such approval was duly submitted.



**SECTION 308 EFFECT OF PRELIMINARY PLAN APPROVAL**

Approval of the Preliminary Plan by the Borough Council constitutes approval of the development as to the character and intensity of development, the general layout, and the approximate dimensions of streets, lots, and other planned features. The approval binds the developer to the general scheme shown on the Preliminary Plan and the conditions imposed by Borough Council if approval was conditional and the developer has agreed to the conditions. The plan shall not be signed by Borough Council until all conditions are complied with.

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

**SECTION 309 EFFECT OF FINAL PLAN APPROVAL**

Approval of the Final Plan by the Borough Council constitutes final approval of the land development as to the character and intensity of development, the layout, and the dimensions of streets, lots and other planned features. This approval binds the developer to the scheme shown on the Final Plan and the conditions imposed by Borough Council if approval was conditional and the developer has agreed to the conditions. The plan shall not be signed by Borough Council until all conditions are complied with.

Final Plan approval and compliance with all conditions if any are imposed authorizes recording of the Final Plan which must be accomplished before the developer can proceed with the sale of any lots or the construction of buildings or structures.

**SECTION 310 RECORDING OF FINAL PLAN**

Upon approval of the Final Plan and compliance with all conditions if approval of the Plan was conditional, the Borough shall within ninety (90) days of such approval or compliance with conditions record such Plan in the Office of Recorder of Deeds of York County. Developer shall secure the notation of review by the York County Planning Commission prior to recording of the Plan. Within thirty (30) days after such recording, the Borough shall furnish proof of recording to the developer.

The Recording of the Final Plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject Plan.

**SECTION 311 RESUBDIVISION**

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

## ARTICLE IV

### PLAN REQUIREMENTS

#### SECTION 401 SKETCH PLAN REQUIREMENTS

**a) General Requirements for Sketch Plans:** The Sketch Plan may be a free-hand drawing and should be accompanied by an application for Subdivision or Land Development Approval. A Sketch Plan need not be drawn to exact scale nor are precise dimensions required.

**b) Sketch Plan Requirements for a Subdivision or a Mobile Home Park:** The Sketch Plan for either a subdivision or a mobile home park shall show the following:

1. Name and address of developer, name of municipality, title, north arrow, date and approximate scale.
2. Existing tract boundaries.
3. Location map showing relation of the development to the surrounding area and community.
4. Existing and proposed streets, easements and rights-of-way.
5. Proposed general lot layout.
6. Number of acres in tract, average lot size, approximate number of lots, anticipated type of development.
7. All public reservations such as schools, parks, etc.
8. Topography of tract or sketch showing existing drainage patterns and slope directions.

**c) Sketch Plan Requirements for a Land Development Other than a Subdivision or a Mobile Home Park:** The Sketch Plan for a land development involving either multi-family dwellings, or commercial, industrial or other nonresidential uses shall show the following:

1. Name and address of developer, name of municipality, title, north arrow and date.
2. Tract boundaries and tract size.
3. Location map showing the relation of the development to the surrounding area and community.
4. Existing easements and rights-of-way.
5. The approximate size, location and configuration of proposed buildings, vehicular entrances and exits, vehicular drives, parking areas, truck loading and unloading areas, unenclosed storage areas, screens and buffers, landscaped areas, and all other significant proposed facilities.
6. Topography of tract or sketch showing existing drainage patterns and slope directions.

## SECTION 402 PRELIMINARY PLAN REQUIREMENTS

The Preliminary Plan shall be clearly and legibly drawn on a single sheet of either linen or mylar material to a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet or 100 feet to the inch. Sheet size should be 22" x 36". However, if this sheet size is found to be insufficient, a larger sheet size may be used.

**a) General Preliminary Plan Requirements:** All Preliminary Plans shall show the following:

1. Title block containing the name of the land development, name of the municipality, name and address of the record owner of the property or of his authorized agent, name of the person or firm responsible for preparing the Plan, graphic scale, written scale, the Plan date and the date(s) of all Plan revisions.
2. North point.
3. A location map, at a scale of not less than one thousand (1,000) feet to the inch, showing the proposed development and adjoining areas.
4. The entire existing tract boundaries with bearings and distances.
5. The names of owners of immediately adjacent unplatted land and the names of proposed or existing land developments immediately adjacent.
6. Existing contours at vertical intervals of at least two (2) feet for land with average natural slope of four (4) percent or less and at vertical intervals of at least five (5) feet for land with average natural slope exceeding four (4) percent. Contours shall be accompanied by a notation indicating the datum to which contour elevations refer. The engineer or surveyor preparing the Plan shall consult with the Borough Engineer to determine the availability of Borough datum in the project area.
7. Location of all existing watercourses, flood hazard areas, tree masses, rock outcrops and other significant natural features within or adjacent to the tract.
8. Location of all existing streets and also those streets that are preliminary approved or recorded but unimproved within or adjacent to the tract, including names, right-of-way width and roadway width.
9. Location of all existing buildings, sewers, water mains, culverts, petroleum lines, gas lines, electric transmission lines, fire hydrants and other significant man-made features within or adjacent to the tract.
10. Location of existing and proposed street lights and fire hydrants.
11. Location and width of all existing easements and rights-of-way within or adjacent to the tract and the purpose for which the easements or rights-of-way have been established.
12. The stages, if any, to be followed in the construction of the land development.
13. An indication of the size and general location of proposed water mains and sanitary sewers. For on-lot septic systems, the location of perc tests must be shown.

14.Certification, with seal, by a registered professional engineer or surveyor to the effect that the survey and plan are correct.

15.Provision for signatures by Borough Council indicating Council's approval of the plan (3 spaces for signatures and 1 space for approval date).

16.Provision for signatures by the Borough Planning Commission and the Borough Engineer indicating their review of the plan (5 spaces for Planning Commission signatures and 1 space for review date and 1 space for Engineer's signature, 1 space for review date).

**b)Preliminary Plan Requirements for a Subdivision or a Mobile Home Park:** In addition to the requirements of s.402 (a), the Preliminary Plan for either a subdivision or a mobile home park shall show the following:

1.Layout of proposed lots, approximate dimensions of lot lines, approximate size of each lot, proposed building setback lines and number to identify each lot.

2. Location, names, roadway width, and right-of-way width of all proposed streets and location and width of the future right-of-way required for the expansion of existing streets.
3. Typical cross-sections for proposed streets.
4. Clear sight triangles at each street intersection.
5. Location, width and purpose of all proposed easements and rights-of-way.
6. Location, approximate dimensions, and purpose of areas to be dedicated or reserved for public and semi-public uses or to be reserved for common use of all property owners and/or tenants in the land development.
7. Table of site and development data including statements of total acreage of the entire existing tract, proposed use of the property, existing zoning classification, number of proposed lots, proposed minimum lot size, number of proposed dwelling units, lineal feet of new streets proposed and proposed type of sewage disposal and water supply.

**c) Preliminary Plan Requirements for a Land Development Other Than a Subdivision or a Mobile Home Park:**

In addition to the requirements of s.402(a), the Preliminary Plan for a land development involving either multi-family dwellings, or commercial, industrial or other nonresidential uses shall show the following:

1. Location and general exterior dimensions of principal and accessory buildings.
2. Location and dimensions of vehicular drives, entrances and exits.
3. Location, arrangement and dimensions of automobile parking spaces, width of aisles, width of bays, angle of parking.
4. Location and dimensions of pedestrian entrances, exits and walks.
5. Locations, arrangement and dimensions of truck loading and unloading spaces and docks.
6. Location, dimensions and materials of walls, fences, buffers, screen plantings and landscaped areas.
7. Location and dimensions of unenclosed storage areas.
8. Location, size, height and orientation of all signs other than signs flat on building facades.

9. Location and appropriate dimensions of all other significant proposed facilities and structures.

10. Finished grades, slopes and banks.

11. Table of site and development data including statements of total acreage of the property, proposed use of the property, existing zoning classification, proposed building coverage, proposed impervious surface coverage, proposed type of sewage disposal and water supply, number of off-street parking spaces required, and number of off-street parking spaces proposed. Such table shall also list the criteria needed to calculate the number of off-street parking spaces required by the parking provisions of the Borough Zoning Ordinance (e.g., gross floor area, number of seats, number of employees, number of dwelling units, etc.).

**d) Preliminary Plan Accompanying Certificates and Data:** All Preliminary Plans shall be accompanied by the following:

1. Application for Subdivision or Land Development approval

2. Filing fee (s.804).

3. Feasibility Study on sewer and water facilities for the tract (s.403).

4. Planning module for land development as required by the Pennsylvania Department of Environmental Resources.

5. If public sewage disposal is proposed, a letter from the appropriate sewer authority stating that sewage treatment capacity is available to serve the land development.

6. If a public water supply is proposed, a letter from the appropriate water supplier stating that public water facilities are available to serve the land development.

7. If the developer proposes to impose restrictions on either tenants or future lot owners by means of lease provisions, deed restrictions, or covenants, the text of such provisions.

8. Proof of any variances or special exceptions which may have been granted.

9. Where proposed development covers only a part of the developer's entire tract, a Sketch Plan shall be submitted of the prospective development for the remainder of the tract. Such Sketch Plan shall be prepared in accordance with s.401 of this Ordinance.

- 10.Centerline profiles for each proposed street.
- 11.Preliminary engineering designs of any proposed bridges or culverts.
- 12.A plan for the surface drainage of the land development. Such plan shall include storm water run-off calculations and a drawing of present and proposed grades and facilities for accommodating the anticipated run-off.
- 13.Where the land included in the proposed development plan has an electric transmission line, a gas pipeline, or a petroleum or petroleum product transmission line located within the tract, the plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement which shall contain the above data.
- 14.Whenever a land development proposes to dispose of storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural watercourse, approval of the affected owners shall be obtained and submitted with the land development plan.
- 15.Plan for Control of Erosion and Sedimentation (s.404).
- 16.Other certificates or data as may be required by this Ordinance or any other Borough ordinance or regulations must be submitted prior to Preliminary Plan approval if requested by the Borough Council.

#### **SECTION 403FEASIBILITY REPORT ON SEWER AND WATER FACILITIES**

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

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

If connection to an existing public sewerage system is found to be feasible, formal application shall be made to the Commonwealth of Pennsylvania, Department of Environmental Resources and a permit obtained from the Bureau of Water Quality Management prior to the construction of sewers or treatment facilities.

The Borough Council will approve on-site sewage disposal systems only when the Feasibility Study indicates:

- Justification of the project necessitates consideration of this method.
- The soil absorption is satisfactory for this type of system.
- Such systems will not endanger groundwater supplies below the level of the absorption system.
- The systems will not be installed in creviced rocks or limestone formations.

-The use of such systems conforms to the Borough Comprehensive (Act 537) Sewage Facilities Plan or an amendment thereto.

The soil absorption tests called for above shall be performed in accordance with the regulations of the Pennsylvania Department of Environmental Resources and shall be observed by the Borough sewage enforcement officer and/or a sanitarian of the Pennsylvania Department of Environmental Resources.

#### **SECTION 404 PLAN FOR CONTROL OF EROSION AND SEDIMENTATION**

The applicant shall submit a Plan in duplicate concerning the control of erosion and sedimentation on or nearby a proposed land development. Said plan shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques and be submitted in conjunction with the Preliminary Plan (Final Plan if a minor subdivision) for review and recommendations by the local office of the Pennsylvania Department of Environmental Resources.

The Plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which may contribute to erosion and sedimentation, in connection with the land development. The Plan shall also contain any additional information as required by Chapter 102 of Title 25 of the Rules and Regulations of the Pennsylvania Department of Environmental Resources.

The applicant shall submit an approval letter from Soil Conservation Service indicating that the Plan meets the requirements of Chapter 102 of Title 25 of the Rules and Regulations of the Pennsylvania Department of Environmental Resources.



## SECTION 405 FINAL PLAN REQUIREMENTS

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

The Final Plan shall be clearly and legibly drawn on linen or mylar material to a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet or 100 feet to the inch. Sheet size should be 22" x 36". However, if this sheet size is found to be insufficient, a larger sheet size may be used.

If the Final Plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet and appropriately labeled with match lines.

**a) General Final Plan Requirements:** All Final Plans shall show the following:

1. Title block containing the name of the land development, name of the municipality, name and address of the record owner of the property or of his authorized agent, name of the person or firm responsible for preparing the plan, written scale, graphic scale, the plan date and the date(s) of all plan revisions.
2. North point.
3. A location map, at a scale of not less than one thousand (1,000) feet to the inch, showing the proposed development and adjoining areas.
4. The entire existing tract boundaries with bearings to the nearest second and distances to the nearest one hundredth (.01) of a foot.
5. The names of owners of immediately adjacent unplatted land and the names of proposed or existing land developments immediately adjacent.
6. Existing significant natural or manmade features within or adjacent to the tract. Significant natural or man-made features includes watercourses, flood hazard areas, tree masses, buildings, sewer mains, water mains, culverts, gas lines, petroleum lines, electric transmission lines, etc.
7. Location, width and purpose of all existing and proposed rights-of-way and easements.
8. Location of existing and proposed street lights and fire hydrants.
9. For all street rights-of-way and property lines, dimensions, bearings or deflection angles of all straight lines. Dimensions shall be in feet and hundredths of a foot. Bearings shall be in degrees, minutes and seconds.
10. For all street rights-of-way and property lines, radii, arcs and central angles of all curves.
11. Primary control points, or descriptions and ties to such control points to which all dimensions, angles, bearings, and similar data on the plan are referred.
12. Location of permanent reference monuments.

13. Certification, with seal, by a registered professional engineer or surveyor to the effect that the survey and plan are correct.
14. A notarized statement to the effect that the applicant is the owner of the land proposed to be developed and that the land development shown on the Final Plan is made with his or their free consent and that it is desired to record the same.
15. Provision for signatures of Borough Council indicating Council's approval of the Plan (3 spaces for signatures and 1 space for approval date).
16. Provision for signatures by the Borough Planning Commission and the Borough Engineer indicating their review of the Plan (5 spaces for Planning Commission signatures, 1 space for review date and 1 space for Engineer's signature, 1 space for review date).

**b) Final Plan Requirements for a Major Subdivision or a Mobile Home Park:** In addition to the requirements of s.405.(a), the Final Plan for a major subdivision or a mobile home park shall show the following:

1. Layout of proposed lots, size of each lot, building setback lines on all lots and number to identify each lot.
2. Location and width of all proposed street right-of-way and roadways and names of all streets.
3. Typical cross-sections for proposed streets.
4. Clear sight triangles at each street intersection.
5. Location, dimensions, and purpose of areas to be dedicated or reserved for common use of all property owners and/or tenants in the land development.
6. If streets, parks or other areas or portions of them are to be dedicated to the Borough, a note stipulating that the legal means of conveyance shall be by dedication.
7. Table of site and development data including statements of total acreage of the entire existing tract, proposed use of the property, existing zoning classification, number of proposed lots, proposed minimum lot size, lineal feet of new streets proposed and proposed type of sewage disposal and water supply. If the property is proposed to be used for residential purposes, the number of proposed dwelling units shall also be listed.

**c) Final Plan Requirements for a Minor Subdivision:** In addition to the requirements of s.405(a), the Final Plan for a minor subdivision shall show the following:

1. Existing contours at vertical intervals of at least two (2) feet for land with average natural slope of four (4) percent or less and, at vertical intervals of at least five (5) feet for land with average natural slope exceeding four (4) percent. Contours shall be accompanied by a notation indicating the datum to which contour elevations refer.
2. Layout of proposed lots, size of each lot, building setback lines on all lots, and number to identify each lot.

3. Offers of dedication of land for the widening of existing streets, names of existing streets and the location of the future right-of-way line for existing streets.
4. Exact location of perc tests for subsurface sewage disposal systems.
5. Table of site and development data including statements of total acreage of the entire existing tract, proposed use of the property, existing zoning classification, number of proposed lots and proposed minimum lot size and proposed type of sewage disposal and water supply. If the property is proposed to be used for residential purposes, the number of proposed dwelling units shall also be listed.
6. Horizontal and vertical alignment for each proposed sanitary sewer, storm sewer and water distribution system. Information on manhole locations and size and type of material shall be provided. Calculations for storm sewer design must also be submitted.

**d) Final Plan Requirements for a Land Development Other Than a Subdivision or a Mobile Home Park:** In addition to the requirements of s. 405(a), the Final Plan for a land development involving either multi-family dwellings, or commercial, industrial or other nonresidential uses shall show the following:

1. Location and general exterior dimensions of principal and accessory buildings.
2. Location and dimensions of vehicular drives, entrances and exits.
3. Location, arrangement and dimensions of automobile parking spaces, width of aisles, width of bays, angle of parking.
4. Location and dimensions of pedestrian entrances, exits, and walks.
5. Locations, arrangement and dimensions of truck loading and unloading spaces and docks.
6. Location, dimensions and materials of walls, fences, buffers, screen plantings and landscaped areas.
7. Location and dimensions of unenclosed storage areas.
8. Location, size, height and orientation of all signs other than signs flat on building facades.
9. Location and appropriate dimensions of all other significant proposed facilities and structures.
10. Finished grades, slopes and banks.
11. Table of site and development data including statements of total acreage of the property, proposed use of the property, existing zoning classification, proposed building coverage, proposed impervious surface coverage, proposed type of sewage disposal and water supply, number of off-street parking spaces required and number of off-street parking spaces proposed. Such Table shall also list the criteria needed to calculate the number of off-street parking spaces required by the parking provisions of the Borough Zoning Ordinance (e.g., gross floor area, number of employees, number of seats, or number of dwelling units, etc.).

**e) Final Plans Accompanying Certificates and Data:** All Final Plans shall be accompanied by the following:

1. Application for Subdivision or Land Development Approval (see pages IV-13 thru IV-16).
2. All required fees and charges (s.804).
3. If the developer proposes to impose restrictions on either merchants, tenants or future lot owners by means of lease provisions, deed restrictions, or covenants, the text of such provisions.
4. Proof of any variances or special exceptions which may have been granted.
5. Profiles for all proposed streets. Such profiles shall show the existing (natural) and proposed grades along the centerline of the proposed street and the length of all proposed vertical curves.
6. Horizontal and vertical alignment for each proposed sanitary sewer, storm sewer and water distribution system. Information on manhole locations and size and type of material shall be provided. Drainage calculations for storm sewer design must also be submitted.
7. Unless submitted with the Preliminary Plan, where the land included in the Plan has an electric transmission line, a gas pipeline, or a petroleum or petroleum product transmission line located within the tract, the Plan shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement which shall contain the above data.
8. Whenever a land development plan proposes to dispose of storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural watercourse, a letter from the affected property owners stating their approval of the proposal.
9. Certification from the Borough Engineer that the developer has installed all improvements to the specifications of this Ordinance and any conditions attached by Borough Council or, in lieu thereof, an improvement bond or other satisfactory security in an amount sufficient to assure completion of all improvements as provided in s.611.
10. If a minor subdivision, a feasibility study on sewer and water facilities for the tract as required by s.403 and planning module for land development as required by the Pennsylvania Department of Environmental Resources.
11. Unless submitted with the Preliminary Plan, a plan for control of erosion and sedimentation.
12. Other certificates or data as may be required by this Ordinance or any other Borough ordinance or regulations must be submitted prior to Final Plan Approval if requested by the Borough Council.



**APPLICATION FOR LAND SUBDIVISION OR MOBILE HOME PARK APPROVAL**

Name of Development \_\_\_\_\_

Sketch Plan \_\_\_\_\_ Preliminary Plan \_\_\_\_\_ Final Plan \_\_\_\_\_

**General Information**

Owner \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

Applicant \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

Surveyor or Engineer \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

**Development Data**

Location \_\_\_\_\_

Total Acreage of Tract \_\_\_\_\_

Existing Zoning Classification \_\_\_\_\_

Proposed Use \_\_\_\_\_

Number of Lots Proposed \_\_\_\_\_

Number of Dwelling Units Proposed \_\_\_\_\_

Minimum Lot Size Proposed \_\_\_\_\_

Lineal Feet of New Streets Proposed \_\_\_\_\_

Proposed Water Supply: \_\_\_\_\_ Public System \_\_\_\_\_ Individual On-Lot Well(s)

Proposed Sewerage System: \_\_\_\_\_ Public System \_\_\_\_\_ On-Lot Sewage Disposal  
System(s)

Number of Street Lights Proposed \_\_\_\_\_

Number of Fire Hydrants Proposed \_\_\_\_\_

**DO NOT WRITE ON THIS SIDE - FOR BOROUGH USE ONLY**

Exhibits Submitted

Date

_____ Filing Fee	_____
_____ Sketch Design Plan	_____
_____ Preliminary Plan	_____
_____ Final Plan	_____
_____ Street Profiles	_____
_____ Drainage Plan	_____
_____ Performance Bond	_____
_____ Deed Restrictions	_____
_____ Sewer and Water Feasibility Study	_____
_____ Other _____	_____

**Distribution of Plan**

Date  
Sent

Reply  
Received

Borough Planning Commission	_____	_____
Borough Engineer	_____	_____
York County Planning Commission	_____	_____
Pa. Dept. of Environmental Resources	_____	_____
Pa. Dept. of Transportation	_____	_____
Public Utility Company	_____	_____
Soil Conservation Service	_____	_____
Other _____	_____	_____

**Action Taken**

\_\_\_\_\_ Approved    \_\_\_\_\_ Conditionally Approved    \_\_\_\_\_ Disapproved

\_\_\_\_\_ Date of Action

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plan Recorded With County . . . . . \_\_\_\_\_

**APPLICATION FOR APPROVAL OF A LAND DEVELOPMENT OTHER THAN  
A LAND SUBDIVISION OR MOBILE HOME PARK**

Name of Development \_\_\_\_\_

Sketch Plan \_\_\_\_\_ Preliminary Plan \_\_\_\_\_ Final Plan \_\_\_\_\_

**General Information**

Owner \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

Applicant \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

Engineer or Surveyor \_\_\_\_\_

Address \_\_\_\_\_ Telephone No. \_\_\_\_\_

**Development Data**

Location \_\_\_\_\_

Total Acreage of Tract \_\_\_\_\_

Proposed Use \_\_\_\_\_

Number of Dwelling Units Proposed \_\_\_\_\_

Proposed Water Supply: Public System \_\_\_\_\_ On-Lot System \_\_\_\_\_

Proposed Sewerage System: Public System \_\_\_\_\_ On-Lot System \_\_\_\_\_

Number of Off-Street Parking Spaces Required by Zoning Ord. \_\_\_\_\_

Number of Off-Street Parking Spaces Proposed \_\_\_\_\_

Proposed Building Coverage (Percent of Lot Area) \_\_\_\_\_

Proposed Impervious Surface Coverage (Percent of Lot Area) \_\_\_\_\_

Maximum Building Height Proposed \_\_\_\_\_

Number of Street Lights Proposed \_\_\_\_\_

Number of Fire Hydrants Proposed \_\_\_\_\_



**DO NOT WRITE ON THIS SIDE - FOR BOROUGH USE ONLY**

Exhibits Submitted

Date

_____ Filing Fee	_____
_____ Sketch Design Plan	_____
_____ Preliminary Plan	_____
_____ Final Plan	_____
_____ Street Profiles and Cross Sections	_____
_____ Drainage Plan	_____
_____ Planning Module for Land Development	_____
_____ Water Feasibility Report	_____
_____ Performance Bond	_____
_____ Deed Restrictions	_____
_____ Sewer and Water Feasibility Study	_____
_____ Other _____	_____

**Distribution of Plan**

Date Sent

Reply Received

Borough Planning Commission	_____	_____
Borough Engineer	_____	_____
York County Planning Commission	_____	_____
Pa. Dept. of Environmental Resources	_____	_____
Pa. Dept. of Transportation	_____	_____
Public Utility Company	_____	_____
Soil Conservation Service	_____	_____
Other _____	_____	_____

**Action Taken**

\_\_\_\_\_ Approved    \_\_\_\_\_ Conditionally Approved    \_\_\_\_\_ Disapproved

\_\_\_\_\_ Date of Action

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Plan Recorded With County . . . . . \_\_\_\_\_

## **ARTICLE V**

### **DESIGN STANDARDS**

#### **SECTION 501 APPLICATION OF STANDARDS**

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

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

As-built utility drawings for the land development shall be submitted by the developer to the Borough for its permanent records.

#### **SECTION 502 LOCATION OF SITE**

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

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

#### **SECTION 503 GENERAL DESIGN STANDARDS FOR SITES SUBJECT TO FLOODING OR OTHER HAZARDS**

Land subject to flooding or other hazards to life, health, or property and land deemed to be topographically unsuitable shall not be platted for residential occupancy or for such other uses as may increase danger to health, life or property or aggravate erosion or flood hazard until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the land development plan. Such land within the development shall be set aside on the plan for uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions.

Where flooding is known to have occurred within the area shown on the Plan, such area shall be clearly marked "subject to periodic flooding."

**SECTION 504 STREET SYSTEMS - GENERAL**

All streets proposed to be constructed within the Borough shall conform to the following general design requirements.

- a) Proposed streets shall be planned with regard to the existing street system, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future development extensions of the street system.
- b) Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets shall provide for continuation of existing or platted streets and for proper access to adjoining undeveloped tracts suitable for future development.
- c) Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- d) The streets must be properly located and built with regard to the proposed traffic functions, including the minimizing of through-traffic on minor streets and the protection of major street capacities from excessive marginal access.
- e) The arrangement, character, extent, width, grade and location of all streets and highways must conform to any applicable Borough or County Comprehensive Plan or Official Map.

**SECTION 505 STREET DESIGN**

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

<u>Classification</u>	<u>Minimum Right-of-Way</u>	<u>Minimum Roadway Width</u>
Arterial or Limited Access Street	80-120 feet	As determined after consultation with the York County Planning Commission and the Pennsylvania Department of Transportation

Table Cont.

<u>Classification</u>	<u>Minimum Right-of-Way</u>	<u>Minimum Roadway Width</u>
Collector Street	60 feet	34 feet
Minor Street	50 feet	30 feet
Permanent Cul-de-sac Street	50 feet	30 feet
Service Street or Alley	24 feet	24 feet

**b)Exceptions to Width Requirements** - Provisions for additional street width and right-of-way must be required when determined to be necessary as a part of the Comprehensive Plan.

**c)Existing Frontage along a Street of Improper Right-of-Way Width** - In the case of a plan for a land development fronting on an existing public road of improper right-of-way width, the developer shall provide any required dedication of land for widening the existing right-of-way to meet the minimum right-of-way standard as specified in s.505(a). The right-of-way to be dedicated must be measured from the centerline of the existing roadway. Where uncertainty exists as to the road classification, it shall be as specified in the Borough Comprehensive Plan.

**d)Existing Frontage along a Street of Improper Roadway Width** - In the case of a plan for a land development fronting on an existing public road of improper roadway width, the Borough may require the developer to improve the roadway to meet the minimum roadway standard as specified in s.505(a). Such improvement shall include the construction of a curb in accordance with s.603 and the paving of the area between the existing edge of road pavement and the curb line in accordance with s.602. The location of the curb line must be measured from the centerline of the existing roadway. In the case of a minor subdivision the Borough Council in lieu of requiring such improvements at the time of subdivision may require the payment of a fee to be placed in an escrow fund to finance their construction at a future date. Where uncertainty exists as to the road classification, it shall be as specified in the Borough Comprehensive Plan.

**e)Dead End Streets** - Shall be prohibited, except when designed as temporary cul-de-sac streets by the developer on his own land in order to permit future street extensions into adjoining tracts. These temporary dead end streets must be approved by the Borough and indicated on the plans. Also, they must be constructed to the same standards as a permanent cul-de-sac. The turnaround shall be removed when the street is continued.

**f)Cul-de-sac Streets** - Should in general not exceed five hundred (500) feet in length unless topographic conditions and/or tract shape warrant an increase that is approved by the Borough. They must be provided with a paved turnaround with a minimum diameter of one hundred (100) feet to the outside curb and one hundred and twenty (120) feet to the legal right-of-way. The length of a cul-de-sac street shall be measured from the center of the turnaround to the point of intersection of the centerline of the cul-de-sac street and the right-of-way line of the intersection street.

**g)Half and Partial Streets** - New half or partial streets will not be permitted except where essential to provide reasonable access to a subdivision of a tract in conformance with the other requirements and standards of this Ordinance and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained.

Whenever there is an existing half street adjacent to a tract to be developed, then the other half of the street shall be platted and dedicated with such tract unless otherwise determined by Borough Council.

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

<u>Type of Street</u>	<u>Minimum Radius</u>
Arterial	500 feet
Collector	300 feet
Minor	150 feet

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

**i) Vertical Curves** - Changes in grade shall be joined by vertical curves. Vertical curves shall be provided to permit the following minimum sight distances.

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

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

**j) Grades** - The centerline grades of streets must meet the requirements below:

	<u>Minimum Grade</u>	<u>Maximum Grade</u>
All streets	1%	
Arterial		6%
Collector		7%
Minor Streets		10%
Cul-de-sacs		10%
Service Street or Alley		10%

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

**k) Crown** - The slopes of the crown on residential service and neighborhood collector streets shall be at least one-quarter inch per foot but not more than three-eighths inch per foot as directed by the Borough Engineer.

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

- 3 (horizontal) to 1 (vertical) for fills.
- 2 (horizontal) to 1 (vertical) for cuts.

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

**SECTION 506 INTERSECTION DESIGN**

**a) Angle of Intersections** - Intersections shall be as nearly at right angles as possible. In no case shall a street intersect another street at an angle of less than seventy- five (75) degrees or more than one hundred and five (105) degrees.

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

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

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

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

**d. Intersection Sight Distances** - Proper sight clearance must be maintained at all street intersections. Measured along the centerline of the street, there shall be a clear sight triangle with sides as follows:

<u>Type of Street</u>	<u>Clear Sight Triangle Side</u>
Arterial Street	150 feet
Collector Street	100 feet
Minor Street	75 feet

No building or construction is permitted within such triangles. However, obstructions or plantings less than three (3) feet in height shall be permitted. If not obstructing the view of traffic, post columns and trees not exceeding one (1) foot in diameter shall be permitted.

**e) Distance between Intersections** - Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one hundred and fifty (150) feet between centerlines measured along the centerline of the street being intersected. However, all street intersections with arterial streets shall be located not less than eight hundred (800) feet apart, measured from centerline to centerline along the centerline of the arterial street.

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

## **SECTION 507 OTHER STREET PROVISIONS**

**a) Service Streets or Alleys** - Service streets or alleys are prohibited in land developments unless the developer shows the need for such streets and provided they are not the primary means of access to abutting properties.

**b)Access** - Streets shall be laid out to provide access to all lots and to adjacent undeveloped areas, and the developer shall improve these streets to the limits of the development.

**c)Driveways** - Driveways must conform to the driveway provisions of the Borough Zoning Ordinance.

**d)Private Vehicular Drives Within Land Developments** - Private vehicular drives serving as principal traffic ways and providing access to parking or loading areas within a land development involving such land uses as multi-family dwellings, or commercial, industrial and other nonresidential uses shall have a minimum pavement width of 24 feet (two 12 foot traffic lanes). Such drives shall not require a specific right-of-way but their alignment and construction shall conform to all other standards for minor streets as specified in this Ordinance.

**e)Reserve Strips** - Controlling access to the development or to adjacent areas by means of reserve strips is prohibited except when their control is definitely placed in the jurisdiction of the Borough under conditions approved by the Borough Council.

**f)Street Names** - Shall not duplicate existing or platted street names, or approximate such names by the use of suffixes such as "lane," "street," "way," "drive," "court," "avenue," etc. In approving names of streets, cognizance may be given to existing or platted street names within the Borough and the remainder of York County. Proposed streets shall bear the same name of the existing or platted street of which they are a continuation or with which they are in alignment. Street names must be approved by the Borough Council.

## **SECTION 508BLOCKS**

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

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



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

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

Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a right-of-way width of not less than ten (10) feet and a paved walk of not less than four (4) feet.

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

## **SECTION 509 LOTS AND LOT SIZES**

**a) Lot Layout in a Development** - All lots within a development shall conform to the following requirements:

- Corner lots shall provide for equal setbacks on both streets.
- The size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated.
- Depth and width of parcels intended for multi-family residential and all nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.
- Lot depths in general, should be not less than one nor more than two and one-half times the average width.
- All lots shall front on an existing or proposed public street,
- Lots with areas that are two or more times the minimum requirements shall, wherever feasible, be designed with configurations which allow further subdivision.
- Double frontage lots are prohibited, except where employed to prevent direct vehicular access to collector or arterial streets.
- Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

**b) Lot Dimensions** - The dimensions and areas of the lots must conform to the Borough Zoning Ordinance.

Where sanitary sewage disposal is to be provided by individual on-site facilities, the Borough Council, in conjunction with either the Pennsylvania Department of Environmental Resources or the Borough Sewage Enforcement Officer, may increase the minimum lot sizes and widths specified in the Borough Zoning Ordinance. In no case shall lots be less than the size necessary for proper installation of on-site sewage disposal systems.

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

**d) Grading** - Lots shall be graded to sufficient elevation to secure drainage away from buildings and to prevent the collection of storm water in pools. Roof drainage shall be provided for according to recommendations of the Engineer or such

other officials as may be designated by the Borough Council. Top soil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover.

## **SECTION 510SEWAGE DISPOSAL AND WATER SUPPLY**

**a) Sewage Disposal Requirements** - Based upon the results of the feasibility report required in s.403, all land developments must be provided with sanitary sewage disposal facilities as follows:

-Where there is an existing public sanitary sewer system within 1,000 feet of the site of the proposed development and adequate treatment capacity is available, a complete sanitary sewage collection system must be installed and connected by the developer to the existing public sanitary sewer system. If adequate treatment capacity is not available, no connection to the existing public sanitary sewer system may be made.

-Where there is no existing public sanitary sewer system with adequate treatment capacity presently available but such a system is to be available within 1,000 feet of the site of the proposed development within four (4) years, a complete sanitary sewage collection system must be installed and connected to a temporary package treatment plant until connection to a public sanitary sewer system can be made, or capped, and on-site sewage disposal systems provided until such time as connection to a public sanitary sewer system can be made.

-Where the site of the proposed development is greater than 1,000 feet from any existing public sanitary sewage system and where there are no plans to provide for the installation of such a system within 1,000 feet of the site of the proposed development within four (4) years, the developer may provide the proposed development with a complete sanitary sewage collection system and connect it to the existing public sanitary sewer system if adequate treatment capacity is available and all connection costs are assumed by the developer. If this is not feasible or desirable, the adequate provision of on-site subsurface or alternate sewage disposal systems approved by the Pennsylvania Department of Environmental Resources must be investigated.

-Sanitary sewers shall not be used to carry storm water.

-If neither on-site subsurface or alternate sewage disposal systems are approved by the Pennsylvania Department of Environmental Resources nor connection to a public sanitary sewer system is feasible, the development shall not be approved.

**b)Water Supply Requirements** - Based upon the results of the feasibility report required in s.403, all subdivision and land developments must be provided with water supply facilities as follows:

1.The developer may provide the development with a complete water supply system and connect it to the existing public water supply system if satisfactory quantity and pressure are available or can be provided by the developer at his own expense, and all connection costs are assumed by the developer.

2.If connection to the existing public water supply is not feasible, the development shall not be approved.

3.If water is to be provided by any means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, the developer shall present evidence to the Planning Commission and the Borough Council that the subdivision or land development is to be supplied by a certificated public utility, by a bona fide cooperative association of lot owners, or by a municipal corporation, authority or

utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

#### **SECTION 511STORM DRAINAGE**

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

- Permit the unimpeded flow of natural watercourses.

- Ensure the drainage of all low points along the line of streets.

-Intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained.

-Provide adequate drainage away from on-site sewage disposal facilities.

Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being developed, but also the anticipated increase in run-off that will occur when all the property at a higher elevation in the same drainage basin is fully developed. Peak discharge and runoff shall be computed using the soil-cover complex method contained in "Urban Hydrology for Small Watersheds," Technical Release No. 55 published by Engineering Division, Soil Conservation Service, United States Department of Agriculture, dated January 1975. Drainage calculations shall be reviewed and approved by the Borough Engineer. All calculations, assumptions, and criteria used in the design of the storm water collection system must be submitted to the Borough Engineer with the Plan. The procedure contained in Hydraulic Engineer circulars No. 5 and No. 13, as prepared by the U.S. Department of Transportation, Federal Highway Administration, Washington, D.C. shall be used for the design of culverts.

Drainage facilities shall be designed to accommodate the following design storms:

- Minor Streets - 10 year design storm.
- Collector and arterial streets - 25 year design storm.
- Open drainageways - 100 year design storm.

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

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

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

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

Whenever the evidence available to the Borough indicates that natural surface drainage is inadequate, the developer shall install a storm water sewer system in accordance with approved plans and profiles. The system shall be designed by a Registered Engineer and be approved by the Borough Council.

Drainage structures for areas of more than 1/2 mile square shall be subject to review and approval of the Pennsylvania Department of Environmental Resources.

**e)Adjacent Properties** - In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent properties. Whenever a land development plan proposes to dispose storm water runoff to an

adjacent property not within a natural watercourse or in a manner which exceeds the capability of a watercourse, approval of the affected property owners shall be obtained in writing and a copy submitted with the land development plan.

## **SECTION 512 OTHER UTILITIES**

**a) Easements, Width and Location** - Easements with a minimum width of twenty (20) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures shall be placed within such easements. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

**b) Underground Installations** - In developments of five or more lots, electric, telephone and all other utility facilities shall be installed underground. The developer shall be required, prior to Final Plan approval, to obtain a letter from the appropriate utility company confirming that the developer has entered into an agreement to provide for an underground electric and telephone system in accordance with the Pennsylvania Public Utility Commission Investigation Docket #99, as amended, or has obtained a waiver from said Pennsylvania Public Utility Commission to allow overhead electric and telephone facilities.

**c) Petroleum, Gas and Electric Transmission Lines** - Where any petroleum, petroleum products, natural gas or electric transmission line traverses a land development, the developer shall confer with the applicable transmission or distribution Company to determine the minimum distance which shall be required between each structure and the centerline of such transmission line.

Additionally, the Borough will require, with the Preliminary Plan application (Final Plan application if minor subdivision), a letter from the owner of the transmission line stating any conditions on the use of the tract and the right-of-way width, or a copy of the recorded agreement which shall contain the above data.

## SECTION 513 LOCAL RECREATION SITES

The applicant or developer shall dedicate land to the Borough or reserve land for private recreation facilities that will be permanently devoted to recreation and adequately secured for such use, construct recreation facilities, pay a fee in lieu of such dedication or construction, or some combination thereof for park or recreation purposes, in accordance with the following standards:

- a) The land to be dedicated or reserved must be of suitable size, dimensions, topography, access, and general character for the proposed use and must be located in an area identified in the Comprehensive Plan as having a need for additional recreation facilities.
- b) The amount of land to be dedicated or reserved shall be not less than .02 acres for each lot shown on the Final Plan or for each dwelling unit shown on the land development plan.
- c) Where the application of the area standards of subsection b. would result in a site too small to be useable, or where there is not an identified need for additional land for recreation purposes in the area of the Borough in which the subdivision or development is located or where the applicant and Borough Council agree for any other reason, the applicant or developer shall pay to Shrewsbury Borough a fee per lot or unit established annually by resolution of the Borough Council for the purpose of providing park or recreational facilities accessible to the development. In lieu of such fees, the applicant and Borough Council may agree that the applicant will construct recreational facilities at an existing Borough recreation site accessible to the development. The applicant and the Borough Council may also agree in a written agreement, upon any combination of dedication of site, construction of facilities, and/or payment of a fee that will meet the intent of the Comprehensive Plan and this Ordinance.
- d) The fee in lieu of dedication or facilities to be constructed shall be substantially equal in value to the value of the land that would be dedicated if the standards of subsection b. of this section were applied and shall be based on the prevailing average value of development land in the Borough.
- e) A fee established by this section shall be paid to Shrewsbury Borough prior to the recording of the Final Plan. Such fee shall be deposited in an interest-bearing account clearly identifying the facilities for which said fee was reserved. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable proportions of the cost incurred to construct the specific recreation facilities or improvements to existing facilities for which the funds were collected.

#### **SECTION 514 OTHER PUBLIC SITES**

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

#### **SECTION 515 WATERCOURSES AND DRAINAGEWAYS**

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

- Preserve the unimpeded flow of natural drainage.
- Widen, deepen, relocate, improve or protect the drainageway.
- Install a storm water sewer.
- Accommodate a 100 year design storm.

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

#### **SECTION 516 EXISTING WOODED AREAS**

Existing wooded areas shall be protected to prevent unnecessary destruction. At least fifteen (15) percent of the number of trees (minimum trunk caliper of five (5) inches at six (6) inches above ground) that exist at the time of plan submission shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of two (2) inches at a height of six (6) inches above finished grade.

**ARTICLE VI**

**IMPROVEMENTS, DEDICATION AND RESERVATION**

**SECTION 601 MONUMENTS AND MARKERS**

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

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

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

**c) Location of Monuments** - Monuments must be set:

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

-At the intersection of street lines.

**d) Location of Markers** - Markers must be set:

-At the beginning and ending of curves along street property lines.

-At points where lot lines intersect curves either front or rear.

-At angles in property lines of lots.

-At all other lot corners.

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



**SECTION 602STREETS**

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

The construction of all streets for acceptance by Shrewsbury Borough shall comply with current Borough specifications.

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

**SECTION 603CURBS, GUTTERS, AND SIDEWALKS**

Curbs, gutters and sidewalks shall be required and shall be installed in accordance with current Borough specifications.

The Borough may waive requirements for sidewalks on one or both sides of the street where interior walkways, in the judgement of the Borough, better serve the needs of the subdivision or land development.

**SECTION 604STREET NAME SIGNS**

The land development shall be provided with street name signs at all intersections. Such signs shall conform to current Borough specifications and shall be installed by the developer in a manner specified by the Borough Engineer.

**SECTION 605STREET TREES**

In developments of six or more lots, the developer shall provide street trees. The trees should be:

- Of a minimum caliper of 1 1/2 inches.
- Planted between the sidewalk and setback line at least 5 feet from the sidewalk.
- Uniformly spaced not less than 50 feet nor more than 100 feet apart along the entire length of each street within the development.
- Varieties acceptable to the Borough. These varieties include those listed below. Other varieties of trees shall be permitted if approved by the Borough.

Pyramidal European Hornbeam	Little Leaf European Linden
Norway Maple	Columnar Norway Maple
Marshall's Seedless Ash	Bradford Pear
Sugar Maple	Greenspire Linden
Red Oak	Pin Oak

**SECTION 606STREET LIGHTS**

For the safety, convenience, and attractiveness of the development, on-site or public street lights shall be installed by the developer unless conditions require otherwise.

Where electric service is supplied by underground methods, and prior to the installation of streets, curbs, sidewalks and driveways, the developer shall provide and install conduits where necessary to accommodate the installation of a street lighting system. Installation and location of conduits will comply with the specifications of the appropriate public utility.

#### **SECTION 607 SEWAGE DISPOSAL**

The Plan for the installation of a sanitary sewer system must be prepared for the development and approved by the Borough Engineer and the Pennsylvania Department of Environmental Resources. The Borough Engineer must inspect the sewer line before it is covered over. Upon completion of the sanitary sewer installation, a reproducible as-built plan of the system must be filed with the Borough.

Pipe sizes for sanitary sewer mains and sewer laterals and locations for manholes shall meet current Borough specifications.

Storm sewers may not be connected with sanitary sewers.

Where installation of a public sanitary sewer system is not required the developer or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewerage disposal system consisting of a septic tank and tile absorption field or other sewerage disposal system approved by the Pennsylvania Department of Environmental Resources and the Borough Sewage Enforcement Officer.

If on-site subsurface or alternate sewage disposal systems are feasible, they must be laid out in accordance with minimum standards of the Sewage Facilities Act (Act 537), as amended, and the rules and regulations adopted by the Pennsylvania Department of Environmental Resources. The Borough and/or the Pennsylvania Department of Environmental Resources must inspect and approve each on-site sewage disposal system.

If connection to the public sanitary sewer system is proposed, a written application requesting the allocation to and reservation of sanitary sewer capacity for the development must be submitted either with the Preliminary Plan or at least thirty (30) days prior to the date of Borough consideration of the Final Plan (see Ordinance No. 1976-7).

#### **SECTION 608 WATER SUPPLY**

The plan for the installation of a water supply system must be prepared for the development with cooperation of the appropriate water utility company and approved by the Borough Engineer.

Upon the completion of the water supply system, a reproducible as-built plan of the system must be filed with the Borough.

#### **SECTION 609 STORM DRAINAGE**

Whenever the evidence available to the Borough Council indicates that natural surface drainage is inadequate, the developer shall install a storm water sewer system in accordance with approved plans and profiles. The system shall be designed by a Registered Engineer and be approved by the Borough Engineer.

**SECTION 610 FIRE HYDRANTS**

Fire hydrants shall be required for all land development provided with a water supply system. Fire hydrants shall be located within six hundred (600) feet of any dwelling unit or structure open to the public. Fire hydrants shall be installed in accordance with the requirements of the local fire authority and all applicable regulations.

**SECTION 611 COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF  
TO FINAL PLAN APPROVAL**

**PREREQUISITE**

No plan shall be finally approved unless the streets shown on such plan have been improved as may be required by the provisions of this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements may be required by the provisions of this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the applicant shall deposit with the Borough financial security in an amount sufficient to cover the cost of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings that may be required. Without limitation as to other types of financial security that are acceptable to the Borough or which the Borough may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letter of credit and restrictive or escrow accounts in such lending institutions are acceptable financial security to guarantee completion of improvements. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the applicant or developer posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth of Pennsylvania.

Such bond or other financial security shall provide for, and secure to the public, the completion of any improvements that may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements. In the case where development is projected over a period of years, Borough Council may authorize submission of Final Plans by sections or stages of development subject to such requirements or guarantees to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

Where requested by the applicant in order to facilitate financing, the Borough shall furnish the applicant with a signed copy of a resolution of Borough Council indicating approval of the Final Plan contingent upon the applicant obtaining a satisfactory financial security. The Final Plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days. The applicant shall have the right to request in writing an extension of this ninety (90) day period, which extension shall not be unreasonably withheld by Borough Council.

**SECTION 612 AMOUNT OF SECURITY**

The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements

which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date for completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals 110% of the cost of completion. Any additional security shall be posted by the developer in accordance with the provisions of this Article.

The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements submitted by the applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth of Pennsylvania and chosen mutually by the applicant or developer and Shrewsbury Borough. 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 shared equally by the applicant or developer and the Borough.

#### **SECTION 613 COMPLETION OF IMPROVEMENTS**

As the work of installing the requirement improvements proceeds, the applicant posting the financial security may request the Borough Council to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing, by certified or registered mail, addressed to the Borough Council of Shrewsbury Borough and the Borough Council shall have forty-

five (45) days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed or, if the Borough Council fails to act within said forty-five (45) day period, the Borough Council shall be deemed to have approved the release of funds as requested.

The Borough Council may, prior to final release at the time of completion and certification by the Borough Engineer, require the retention of ten percent (10%) of the estimated cost of the aforesaid improvements, for a period of up to six (6) months from the date of completion.

If any portion of said improvements shall not be approved or shall be rejected by the Borough Council, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification as outlined in the first paragraph of this section shall be followed. Nothing herein, however, shall be construed in limitation of the applicant's rights to contest or to question by legal proceedings or otherwise any determination of the Borough Council or of the Borough Engineer.

#### **SECTION 614 RELEASE FROM IMPROVEMENT BOND**

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

The Borough Council shall notify the developer, within fifteen (15) days of receipt of the Borough Engineer's report, in writing by certified or registered mail of the action of the Borough Council relative thereto. If the Borough Council or Borough Engineer fails to comply with the time limitations contained in this Ordinance, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its financial surety arrangement.

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

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

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

The Borough Council will invoice the developer for costs incurred by the Borough for inspection of improvements. Improvements shall not be approved until such invoice is paid.

#### **SECTION 615 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS**

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved Final Plan the Borough Council may enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option install part of such improvements in all or part of land development and may institute appropriate legal or equitable action to recover the monies 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 Borough purpose.

#### **SECTION 616 OFFERS OF DEDICATION**

The offer to dedicate streets, parks, or other areas or portions of them, does not impose any duty upon the Borough concerning maintenance or improvement until the proper authorities of the Borough have actually accepted such offer of

dedication by ordinance or resolution or by entry or improvement. All such offers of dedication must be noted on the Final Plan.

**SECTION 617LAND RESERVATION**

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

**SECTION 618EFFECT OF PLAN RECORDING ON DEDICATION AND RESERVATION**

Recording the Final Plan after approval of the Borough Council has the effect of an irrevocable offer to:

- Dedicate all streets and other public ways to public use.
  
- Dedicate all neighborhood parks and other public areas to public use.
  
- Reserve for possible future public acquisition such additional areas as may be required by the Borough.

**SECTION 619MAINTENANCE GUARANTEE**

After Borough Council accepts dedication of all or some of the required improvements following completion, Borough Council shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of dedication. Said financial security shall be of the same type as otherwise required by this Ordinance with regard to installation of such improvements. The amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

## **ARTICLE VII**

### **MOBILE HOME PARK PROVISIONS**

#### **SECTION 701 APPROVAL REQUIRED**

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

#### **SECTION 702 APPLICATION FOR MOBILE HOME PARK APPROVAL**

Applications for mobile home park approval shall conform to the requirements and procedures as established in Articles III and IV of this Ordinance.

#### **SECTION 703 MOBILE HOME PARK IMPROVEMENTS**

All improvements required in mobile home parks shall be provided in accordance with the provisions of this Article and Article VI.

#### **SECTION 704 SITE LOCATION AND DIMENSIONS**

The location and minimum area of all mobile home parks shall be in accordance with the Borough Zoning Ordinance.

#### **SECTION 705 MOBILE HOME LOTS**

- a) All lots shall abut a street which meets the requirements of s.708.
- b) The lot upon which the mobile home is located shall be a minimum size as specified in the Borough Zoning Ordinance.
- c) The lot or parcel shall be seeded and landscaped.

#### **SECTION 706 ERECTION AND PLACEMENT OF MOBILE HOMES**

- a) The side yard distances measured from outside each mobile home to the lot line shall not be less than thirty (30) feet in total and no one side yard distance less than twelve (12) feet. Front yards (measured from edge of street pavement) shall not be less than ten (10) feet and in no case shall the distance between any two mobile homes be less than thirty (30) feet.

- b)The mobile home shall be placed upon and securely fastened by means of an approved tie-down system to a concrete or bituminous pad which shall be built upon a frost-free foundation or footer. In no instance shall it be placed upon jacks, loose block, or other similar arrangements.
- c)An enclosure of design and material compatible with the mobile home shall be erected around the entire base of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- d)Any garage, utility shed or other similar building or structure shall conform with all applicable Zoning and Building Code requirements, if such are in existence.

#### **SECTION 707 AREAS FOR NONRESIDENTIAL USES**

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

#### **SECTION 708 STREETS**

- a)General Requirements** - Private streets shall be provided within the mobile home park as principal traffic ways. A safe and convenient access shall be provided from abutting public streets and roads. Mobile home park streets shall meet all design and construction standards as specified for minor streets in Article V of this Ordinance except as may be modified in the following provisions.
- b)Width** - Mobile home park streets do not require a specific right-of-way. Minimum pavement width shall be 34 feet; however, the pavement width may be reduced to 24 feet if a common, paved parking area is provided as specified in s.709 and the prohibition of on-street parallel parking is posted along the street.

#### **SECTION 709 VEHICULAR PARKING FACILITIES**

Off-street parking spaces shall be provided in all mobile home parks. Two (2) spaces per dwelling unit shall be provided either on the mobile home lot or in a common, paved parking area within two hundred (200) feet of the mobile home unit to be served.



#### **SECTION 710STREET LIGHTS**

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

#### **SECTION 711PEDESTRIAN WALKS**

- a)All mobile home parks shall be provided with common pedestrian walks on both sides of streets. Such walks shall be at least four (4) feet in width and shall commence at least four (4) feet outside of the curb line.
- b)Pedestrian interior walkways may be required where necessary to assist circulation by separation of pedestrian and automobile traffic. The Borough may waive requirements for sidewalks on one or both sides of the street where interior walkways in the judgement of the Borough better serve the needs of the mobile home park.
- c)All mobile homes shall be connected to common pedestrian walks with an individual walk at least two (2) feet in width.
- d)All pedestrian walks shall be constructed to current Borough specifications.

#### **SECTION 712CURBS**

Curbs shall be installed along both sides of all streets. Borough Council shall have the option of waiving curbs in areas where the mobile home lot frontage exceeds one hundred (100) feet. Curbs shall be concrete and of the slant type.

#### **SECTION 713RECREATION AREAS**

- a)In all mobile home parks a recreation area, or areas, with suitable facilities shall be maintained within the park for the use of all park residents.
- b)Land required for such recreation areas shall be not less than five (5) percent of the total tract area. Such land should generally be provided in a centralized location, or decentralized in larger mobile home parks.

#### **SECTION 714EASEMENTS**

- a)Use** - Easements shall be provided for all utilities not located in a street and for well-defined watercourses.
- b)Width** - Utility easements shall have a minimum width of 20 feet. Easements for natural watercourses shall be of sufficient width to accommodate a 100 year design storm.
- c)Location** - Easements shall be centered on or adjacent to side and rear lot lines whenever possible.

#### **SECTION 715SEWER AND WATER**

All mobile home parks shall be served with public sewer and water.

#### **SECTION 716STORM DRAINAGE**

All mobile home parks shall conform to the requirements of s.511 and s.609 with respect to storm water drainage.

#### **SECTION 717UTILITY SYSTEMS**

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

#### **SECTION 718FIRE HYDRANTS**

Fire hydrants are required and shall be installed in accordance with the requirements of the local fire authority. Fire hydrants shall be located within six hundred (600) feet of any mobile home, service building or other structure in the park and shall be installed in accordance with all applicable regulations.

#### **SECTION 719SERVICE BUILDINGS AND OTHER COMMUNITY SERVICE FACILITIES**

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

**ARTICLE V III**

**ADMINISTRATION AND ENACTMENT**

**SECTION 801 PREVENTIVE REMEDIES OF BOROUGH**

- a) In addition to other remedies, Shrewsbury Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring land shall not exempt the seller or transferor from such penalties or from the remedies provided in this Ordinance.
- b) Shrewsbury Borough or its Zoning or Building Permit Officer may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
1. The owner of record at the time of the violation.
  2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- c) As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the applicant shall comply with the conditions that would have been applicable to the property at the time he acquired an interest in the real property.

## **SECTION 802 ENFORCEMENT REMEDIES OF BOROUGH**

- a) Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by Shrewsbury Borough before a district justice, pay a judgment of Five Hundred Dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by Shrewsbury Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Shrewsbury Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the district justice determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, in which case 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 a district justice and thereafter each day that a violation continues shall constitute a separate violation.
- b) The Court of Common Pleas of York County, 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 in this section shall be construed or interpreted to grant to any person or entity other than Shrewsbury Borough the right to commence any action for enforcement pursuant to this section.

## **SECTION 803 WAIVER OR MODIFICATION**

If the literal compliance with any mandatory provision of this Ordinance is shown by the applicant, to the satisfaction of the majority of the members of the Borough Council present at a scheduled meeting, to be (1) unreasonable or to cause unique or undue hardship as it applies to a particular property or (2) that an alternative proposal will allow for equal or better results than the Ordinance requirements, the Borough Council may grant a waiver from or modification of such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. The granting of a waiver or modification shall not have the effect of making null and void the intent and purpose of this Ordinance, nor does the request for a waiver or modification alter the mandatory procedural time periods for review of Preliminary or Final Plans.

Request for a waiver or modification shall be made in writing by the applicant and shall be submitted for review by the Planning Commission. The Borough Council shall have the authority to approve or disapprove the request. In granting a waiver or modification, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance. Action on the waiver or modification shall be entered in the minutes of the Borough Council and communicated to the applicant. Failure of the Borough Council to render a decision on the request for waiver or modification and communicate it to the applicant shall be deemed to be a denial of the request.

## **SECTION 804 FEES**

Fees for filing and reviewing a Preliminary Plan, Final Plan, or Land Development Plan and fees for inspection of improvements shall be set from time to time by resolution of the Borough Council which fees shall not exceed the cost charged by the engineer or other reviewing consultants to Shrewsbury Borough when fees are not reimbursed by or imposed on applicants. Said fees shall include the cost of the following:

1. Reviewing the subdivision or land development plan and engineering details by the Borough Engineer, Borough Solicitor, and other review consultants if necessary.
2. Reviewing of cost estimates of required improvements for the purpose of posting security.
3. Inspection of site for conformance to survey.
4. Inspection of required improvements during installation and final inspection for completion of installation of required improvements.
5. Any tapping fees and/or connection charge for connection to the Borough Water system pursuant to Ordinance No. 1977-6.
6. Any tapping fees and/or connection charge for reservation of sewage capacity pursuant to Ordinance No. 1976-7.

Costs shall be billed to the applicant upon completion of each review phase. If fees remain unpaid after 30 days of date of invoice by Shrewsbury Borough, interest shall be charged at the rate of 1 1/2 percent per month thereafter. No building permits shall be issued nor any Subdivision or Land Development shall be recorded for any tract of land for which any fees required by this section remain unpaid.

#### **SECTION 805 AMENDMENTS**

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

#### **SECTION 806APPEALS**

The procedures for securing review of any ordinance, decision, or determination is set forth in Article X of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended.

#### **SECTION 807REPEALER**

The existing Subdivision and Land Development Ordinance, adopted February 3, 1971 and entitled "The Shrewsbury Borough Subdivision and Land Development Ordinance" and all supplements and amendments thereto, are hereby repealed. Provided, however, if the present Ordinance is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then and in that event, the Subdivision and Land Development Ordinance of 1971, together with its supplements and amendments, would necessarily remain in full force and effect.

#### **SECTION 808INTERPRETATION**

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

#### **SECTION 809SEVERABILITY CLAUSE**

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

**SECTION 810EFFECTIVE DATE**

This Ordinance shall take effect after publication of adoption according to law.

Adopted by the Borough Council of Shrewsbury Borough, York County, Pennsylvania into an Ordinance the 23rd day of May, 1979.

Borough Council  
Shrewsbury Borough  
York County, Pennsylvania

Attest:

By: /s/ Bill Stumbo  
President of Council

/s/ Katherine A. Zang  
Secretary

Approved this 23rd day of May, 1979.

By: /s/ Norman J. Rohrbaugh  
Mayor

(Including all Amendments adopted through August 15, 1990).

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