

BOROUGH OF YORK SPRINGS
PROPOSED SUBDIVISION AND
LAND DEVELOPMENT
ORDINANCE

December 7, 1992

This Ordinance was prepared for the York Springs Borough Council by the York Springs Borough Planning Commission with the assistance of the consulting firm of Herbert, Rowland and Grubic, Inc.

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ORDINANCE NO.

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND AND LAND DEVELOPMENT WITHIN THE BOROUGH OF YORK SPRINGS, ADAMS COUNTY, PENNSYLVANIA, PROVIDING FOR THE PREPARATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSE; REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER/DEVELOPER; REGULATING SALE OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES, AND PUBLIC IMPROVEMENTS IN CONNECTION WITH SUBDIVISION OF LAND AND LAND DEVELOPMENT, AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

THE BOROUGH COUNCIL OF YORK SPRINGS, ADAMS COUNTY, PENNSYLVANIA, PURSUANT TO ACT 247, (PENNSYLVANIA MUNICIPALITIES PLANNING CODE) AS AMENDED, DOES HEREBY ENACT AND ORDAIN:

ARTICLE I

SHORT TITLE

Section 101. SHORT TITLE

These regulations shall be known and may be cited as "The Borough of York Springs Subdivision and Land Development Ordinance."

ARTICLE II

PURPOSE, AUTHORITY, APPLICATION AND INTERPRETATION

Section 201. PURPOSE OF THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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

1. Ensuring the orderly and efficient integration of subdivisions into the development of the Borough of York Springs.
2. Ensuring sites suitable for building purposes and human habitation.
3. Ensuring conformance of subdivision plans with public improvement plans.
4. Ensuring coordination of intermunicipal public improvement plans and programs.
5. Ensuring the protection of water resources and drainageways.
6. Ensuring the efficient movement of traffic.
7. Ensuring the management of storm water runoff problem areas.
8. Ensuring equitable handling of all subdivision plans by providing uniform standards and procedures.
9. Ensuring the greater health, safety, and welfare of the citizens of the Borough of York Springs.

10. Ensuring the efficient and orderly extension of community services and facilities at minimum cost and maximum convenience.

Section 202. AUTHORITY

1. The York Springs Borough Council shall have the authority to approve or disapprove all preliminary, preliminary/final and final subdivision or land development plat applications as required herein.
2. The York Springs Planning Commission is hereby designated as the agency which shall review and make recommendations on all subdivision and land development plat applications as required herein, prior to action on same by the Borough Council.

Section 203. COUNTY REVIEW

1. Applications for subdivision and land development located within the Borough of York Springs shall be forwarded upon receipt, with the appropriate review fee, to the Adams County Office of Planning and Development for review and report. The Borough Council shall not approve such applications until the county review report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County Office of Planning and Development. As evidenced of their review and report, officials of the County Office of Planning and Development will sign final plats which have been formally approved by the Borough before such plats are presented for recording.

Section 204. APPLICATION OF REGULATIONS

1. No subdivision or land development of any lot, tract or parcel of land located in Borough of York Springs shall be effected; 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 thereon unless and until a final subdivision plat has been approved by the Borough Council and publicly recorded in the manner prescribed herein; nor otherwise; except in strict accordance with the provisions of this Ordinance.
2. No lot in a subdivision may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision plat has been approved by the Borough Council and recorded, and until construction of the improvements required in the manner prescribed herein.

Section 205. INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and greater welfare. Where provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, restriction, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of a statute, other ordinance, resolution, or regulation imposes greater restrictions than that of this Ordinance, the provisions of such statute, resolution, ordinance, or regulation shall be controlling.

ARTICLE III
DEFINITIONS

Section 301.

The following words are defined in order to facilitate the interpretation of this Article for administrative purposes and in the carrying out of duties by appropriate Borough Officers and by the Borough Planning Commission.

Unless otherwise expressly stated, the following words shall, for the purpose of this Article have the meaning herein indicated.

Words used in the present tense include the future tense.

The singular includes the plural.

The word "person" includes any individual or group of individuals, a corporation, partnership, or any other similar entity.

The word "lot" includes the words "lot" or "parcel."

The term "shall" is always mandatory.

The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged or designed to be used or occupied."

1. ACCESSORY BUILDING. A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.
2. ACCESS DRIVE. A paved surface, other than a street, which provides vehicular access from a street or private road to a multi-family residential, nonresidential facility and/or parking area. Access drives shall not include driveways as defined herein.
3. ACRE, GROSS. The entire area of a tract exclusive of existing public rights-of-way whether interior or exterior but not including interior parking areas and access lanes, sidewalks, parks, playgrounds, and common open space.
4. ACRE, NET. The actual area proposed for residential development exclusive of existing and proposed rights-of-way, common open space, streets, sidewalks, parks and playgrounds, and other nonresidential uses.
5. ALLEY. A public thoroughfare, other than a minor street, which affords only secondary means of access to abutting properties and not intended for general traffic circulation.
6. APPOINTING AUTHORITY. The York Springs Borough Council, Adams County, Pennsylvania.
7. APPLICANT. A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

8. APPLICATION FOR DEVELOPMENT. Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to, an application for a building permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.
9. BLOCK. An area bounded by streets.
10. BOROUGH. The Borough of York Springs, Adams County, Pennsylvania, Borough Council, its agents or authorized representatives.
11. BOROUGH COUNCIL. The Borough Council of the Borough of York Springs, Adams County, Pennsylvania.
12. BUFFER YARD. See YARD, BUFFER.
13. BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys.
14. BUILDING SETBACK LINE. The line within a property defining the required minimum distance permitted between any enclosed structure and the adjacent right-of-way.
15. CARTWAY. That portion of a street or alley which is improved, designated, or intended for vehicular use.
16. CHAIRMAN. The Chairman of the Borough of York Springs Planning Commission.
17. CLEAR SIGHT TRIANGLE. An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the streets center lines.
18. COMMISSION. The Borough of York Springs Planning Commission.
19. COMMON ELEMENTS. Land amenities, parts of buildings, central services and utilities, and any other elements and facilities owned and used by all unit owners and are designated as common elements. These elements may include but are limited to:
 - a. The land on which the building is located and portions of the building which are not included in a unit;
 - b. The foundation, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways, entrances and exits of the building;
 - c. The yards, parking area, and driveways;
 - d. Portions of the land and building used exclusively for the management, operation or maintenance of the common elements;
 - e. Installations of all central services and utilities;
 - f. All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and

- g. Such other facilities as are designated as common elements.
20. COMMON OPEN SPACE. See definition OPEN SPACE, COMMON.
21. CONDOMINIUM. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.
22. CONDOMINIUM ASSOCIATION. The community association which administers and maintains the common property and common elements of a condominium.
23. COUNTY. County of Adams, Pennsylvania.
24. COVERAGE. That portion or percentage of the lot area covered by impervious materials.
25. CROSS-WALK. A right-of-way, publicly or privately owned, intended to furnish access of pedestrians.
26. CUL-DE-SAC. A minor street open at one end for vehicular and pedestrian access with the opposite end terminating in a vehicular turn around.
27. CULVERT. A structure with appurtenant works which carries a stream or drainage water under or through an embankment or fill.
28. CURB. A stone or concrete boundary usually marking the edge of the roadway or paved area.
29. CURB CUT. The opening along the curb line at which point vehicles may enter or leave the roadway.
30. CUT. An excavation. The difference between a point on the original ground and designated point of lower elevation of the final grade. Also, the material removed in excavation.
31. 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.
32. DEVELOPMENT. Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, filling, grading, paving, excavation, mining, dredging or drilling operations and the subdivision of land.
33. DEVELOPMENT PLAN. The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, driveways and parking facilities, common open space and public facilities.
34. DRAINAGE.
- a. Surface water runoff; and/or

- b. The removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction of development, the means for preserving the water supply and the prevention or alleviation of flooding.
35. DRAINAGE FACILITY. Any ditch, gutter, culvert, storm sewer, or other structure designed, intended, or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.
36. DRAINAGE SYSTEM. Pipes, swales, natural features and man-made improvements designed to carry drainage.
37. DRIVEWAY. A paved or unpaved area used for ingress and egress of vehicles to a parking space or garage for a residential dwelling other than a multi-family development.
38. DWELLING. A building or structure designed for living quarters for one or more families, including industrialized housing and manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land, but not including hotels, boarding/rooming houses, or other accommodations used for transient occupancy.
39. DWELLING, MANUFACTURED (MOBILE) HOME. A transportation, single-family detached 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. For flood plain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located on site for greater than 180 consecutive days.
40. EASEMENT. A grant of one (1) or more property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
41. ENGINEER, MUNICIPAL. A registered professional engineer in Pennsylvania designated by the municipality to perform the duties of engineer as herein specified.
42. ENGINEER, PROFESSIONAL. An individual licensed and registered under the laws of the Commonwealth to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a professional engineer may perform engineering land surveys.
43. ENGINEERING LAND SURVEYS. Surveys for; (i) the development of any tract of land including the incidental design of related improvements, such as line and grade extension of roads, sewers and grading but not requiring independent engineering judgement; provided, however, that tract perimeter surveys shall be the function of the Professional Land Surveyor; (ii) the determination of the configuration or contour of the earth's surface, or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principals of mathematics, photogrammetry or other measurement methods; (iii) geodetic or cadastral surveys, underground survey and hydrographic survey; (iv) sedimentation and erosion control surveys; (v) the determination of the quantities of materials; (vi) tests for water percolation in soils; and (vii) the preparation of plans and specifications and estimates of proposed work as described herein.

44. ENGINEERING SPECIFICATIONS. The Engineering Specifications of the municipality regulating the installation of any required improvements or for any facility installed by any owner, subject to public use.
45. EROSION. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.
46. EXCAVATION. Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed. It shall also include the conditions resulting therefrom.
47. EXISTING CONDITIONS. Land use present at the time a Drainage/Stormwater Management Plan is submitted. However, a more impervious existing condition can be used if the developer can document that a more impervious condition was present at the time the Borough adopted this Ordinance. For computation purposes, meadow or good woods/forest shall be used for existing pervious conditions. For existing areas consisting of a combination of pervious and impervious cover, either a composite of meadow, good woods/forest, and impervious/parking shall be used or the various precomputed composite covers for developed areas shall be used.
48. EXISTING GRADE. The vertical location of the ground surface prior to excavation or filling.
49. FILL. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.
50. FINISHED GRADE. The proposed elevation of the land surface of a site after completion of all site preparation work.
51. FLOOD. A temporary inundation of normally dry land areas.
52. FLOOD, BASE (ONE-HUNDRED YEAR FLOOD). A flood that, on the average, is likely to occur once every 100 years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).
53. FLOOD FRINGE. That portion of the floodplain outside the floodway.
54. FLOOD PLAIN.
- a. a relatively flat or low land area adjoining a river, stream, or watercourse, which is subject to partial or complete inundation;
 - b. an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
55. FLOODPROOFING. Any combination of structural and non-structural additions, changes or adjustments to proposed or existing structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

56. FLOODWAY. The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance the floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude, without increasing the water surface elevation more than one (1') foot at any point.
57. FUTURE RIGHT-OF-WAY.
- a. Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads;
 - b. A right-of-way established to provide future access to or through undeveloped land.
58. GOVERNING BODY. York Springs Borough Council, Adams County, Pennsylvania.
59. GRADE, EXISTING. See definition EXISTING GRADE.
60. GRADE, FINISHED. See definition FINISHED GRADE.
61. IMPERVIOUS CONDITIONS. A surface that generally prevents the infiltration of water into the ground.
62. IMPERVIOUS COVERAGE. See COVERAGE.
63. IMPERVIOUS MATERIAL. Any substance placed on a lot which covers the surface in such fashion as to prevent natural absorption of surface water by the earth so covered. The following items shall be deemed to be impervious material: buildings, concrete, sidewalks, paved driveways and parking areas, swimming pools and other nonporous structures or materials.
64. IMPROVEMENTS. Any man-made immovable item which becomes part of, placed upon, or is affixed to, real estate.
65. LAND DEVELOPMENT.
- a. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
 - (3) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - b. A subdivision of land.

c. Provisions for the exclusion of certain land development only when such land development involves:

(1) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

66. 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.
67. LANDSCAPE SCREEN. A completely planted visual barrier composed of evergreen plants and trees arranged to form both a low level and high level screen.
68. LOT. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.
69. LOT AREA. The total area within the lot lines.
70. LOT, DOUBLE FRONTAGE. An interior lot having frontage on two (2) streets.
71. LOT LINES. The lines bounding a lot as defined herein.
72. LOT OF RECORD. A lot which has been recorded in the Office of the Recorder of Deeds of Adams County, Pennsylvania.
73. LOT, MINIMUM WIDTH. The minimum lot width at the Building Setback Line.
74. LOT, REVERSE FRONTAGE. A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.
75. LOT WIDTH. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
76. MANUFACTURED (MOBILE) HOME, DWELLING. See definition DWELLING, MANUFACTURED (MOBILE) HOME.
77. MANUFACTURED (MOBILE) HOME LOT. A parcel of land in a Manufactured (Mobile) Home Park improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured (mobile) home.
78. MANUFACTURED (MOBILE) HOME PARK. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more manufactured (mobile) home lots for the placement thereon of manufactured (mobile) homes.
79. MASTER DEED. A legal instrument under which title to real estate is conveyed and by which a condominium is created and established.
80. OPEN SPACE. The unoccupied space open to the sky on the same lot with the building, not including parking lots.

81. OPEN SPACE, COMMON. a parcel or parcels of land or an area of water, or a combination of land and water within a development site, designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.
82. PAVED AREA. That amount of land required for the location of adequate parking spaces, driveways, or other access roads. In the computation of a paved area, the actual building area shall be excluded.
83. PERSON. Any individual or group of individuals, or corporations, partnership.
84. PERVIOUS SURFACE. A surface that generally permits the infiltration of water into the ground.
85. PLAN, COMPREHENSIVE. The Development Policy Plan (Master Plan) and/or Future Land Use Plan and/or Official Map or other such Plans, or portions thereof, as may be adopted, pursuant to statute, for the area of the municipality in which the subdivision or land development is located.
86. PLAN, SKETCH. An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.
87. PLANNING COMMISSION. Borough of York Springs Planning Commission, Adams County, Pennsylvania.
88. PLAT. The map or plan of a subdivision or land development, whether preliminary or final.
- a. FINAL PLAT. A complete and exact subdivision or land development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements. Definition of Final Plat shall include Minor Plat.
- b. PRELIMINARY PLAT. A tentative subdivision or land development plan, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.
89. PREMISES. Any lot, parcel, or tract of land and any building constructed thereon.
90. PRINCIPAL BUILDING OR PRINCIPAL USE. The basic purpose for which a building or land area is occupied or intended to be occupied as opposed to accessory or incidental uses; usually classifiable as residential, commercial, manufacturing or public in nature.
91. PRIVATE. Not publicly owned, operated, or controlled.
92. PRIVATE ROAD. A legally established right-of-way, other than a public street, which provides the primary vehicular and/or pedestrian access to a lot.
93. PROFILE LINE. Means the profile of the center line of the finished surface of the street, which shall be midway between the sidelines of the street.

94. PUBLIC. Owned, operated or controlled by a government agency (Federal, state, or local, including a corporation and/or board created by law for the performance of certain specialized governmental functions).
95. PUBLIC GROUNDS. Public grounds include the following:
- a. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
 - b. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
 - c. Publicly owned or operated scenic and historic sites.
96. PUBLIC HEARING. A formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action.
97. PUBLIC MEETING. A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."
98. PUBLIC NOTICE. Notice published once each week for two successive weeks in a newspaper or general circulation in the Borough of York Springs Such a notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.
99. REAL ESTATE. Any fee, leasehold or other estate or interest in, over or under land, including structures, fixtures and other improvements and interests which by custom, usage or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. Real estate includes parcels with or without upper or lower boundaries, and spaces that may be filled with air or water.
100. RESERVE STRIP. A strip of land adjacent to a street intended to control access to the street from an adjacent property.
101. REVERSE FRONTAGE LOT. See definition LOT, REVERSE FRONTAGE.
102. RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; generally, the right of one to pass over the property of another.
103. RIGHT-OF-WAY, STREET. A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.
104. RUNOFF. The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.
105. SANITARY SEWER (PUBLIC). A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

106. SCREENING PLANTING. A vegetative material of sufficient height and density to conceal from the view of property owners in adjoining residential districts, the structures and uses on the premises on which the screen planting is located.
107. SCREENING. A device or materials used to conceal one element of a development from other elements or from adjacent or contiguous development. Screening may include one or a combination of the materials of sufficient mass to be opaque or that shall become opaque after a specified period of time and which shall be maintained in an opaque condition: walls, berms, or plantings.
108. SEDIMENTATION. The process by which mineral or organic matter is accumulated or deposited by wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."
109. SERVICE DRIVE (Private). A service way providing a secondary means of private access to abutting property and not intended for general traffic circulation.
110. SETBACK LINE. See definition BUILDING SETBACK LINE.
111. SHADOW ANALYSIS. A graphic representation of shadows cast by nature landscaping, screening and structures plotted with regard to topography, slope, and direction at 9:00 a.m., noon and 3:00 p.m. on the date of the Winter Solstice.
112. SIDEWALK. A paved, surfaced or leveled area, parallel to and usually separated from the street, used as a pedestrian walkway.
113. SIGHT DISTANCE. The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.
114. SINGLE AND SEPARATE OWNERSHIP. The ownership of a lot by one or more persons which ownership is separate and distinct from that of any adjoining property.
115. SLOPE. The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100') feet of horizontal distance.
116. SOIL STABILIZATION. Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.
117. SOLAR ENERGY. Radiant energy (direct, diffused or reflected) received from the sun at wave lengths suitable for conversion into thermal, chemical or electrical energy.
118. SOLAR ENERGY COLLECTOR. Any device, structure or part of a device or structure which is used primarily to transform solar energy into thermal, chemical or electrical energy, including any space or structural component specifically designed to retain heat derived from solar energy.
119. SOLAR ENERGY SYSTEM. A complete design or assembly consisting of a solar energy collector, an energy storage facility (where appropriate) and components for the distribution of transformed energy to the extent that they cannot be used jointly with a conventional energy system. Passive solar energy systems which use the natural properties of materials

and architectural components to collect and store solar energy without using any external mechanical power, are included in this definition if they do not fulfill structural or other functions.

120. SOLAR SKYSPACE. The space between a solar energy collector and the sun which must be free of obstructions that shade the collector to an extent which precludes its cost-effective operation.
121. SOLAR SKYSPACE EASEMENT. A right, expressed as an easement, covenant or condition or other property interest in any deed or other instrument executed by or on behalf of any landlord which protects the solar skyspace of an actual, proposed or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy.
122. STORMWATER DETENTION. Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells or any combination thereof.
123. STORMWATER MANAGEMENT FACILITIES. Facilities designed to reduce peak flows and/or volumes, such as stormwater management ponds, underground storage, rooftop storage, and pervious parking.
124. STREAM. A watercourse having a source and terminus, banks and channel through which waters flow at least periodically.
125. STREET. A public right-of-way constructed to municipal standards which includes avenue, boulevard, road, highway, freeway, parkway, and viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. A street shall not include a lane or alley for purposes of this Ordinance.
126. STREET CENTERLINE. The center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.
127. STREET GRADE. The officially established grade of the street upon which a lot fronts or, in its absence, the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.
128. STREET LINE. The street line is the right-of-way line of a public street.
129. STREET, MAJOR.
 - a. Arterial Street: A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas;
 - b. Collector Street: A major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.
130. STREET, MINOR. A street used primarily for access to abutting properties.

131. STREET WIDTH. The shortest distance between the lines delineating the right-of-way of a street.
132. STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. For flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a *manufactured home*.
133. SUBDIVIDER. The owner or authorized agent of the owner of a lot, tract or parcel of land to be subdivided for sale or development under the terms of this Ordinance.
134. SUBDIVISION. The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement or access or residential dwellings, shall be exempted.
- a. MAJOR SUBDIVISION. Any subdivision involving more than five (5) lots, parcels of land or other divisions of land whether or not they involve new streets, additional utilities or other facilities immediate or future.
- b. MINOR SUBDIVISION. The subdivision of a single lot, tract or parcel of land into five (5) or fewer lots, tracts or parcels of land, for the purpose, whether immediate or future, of transfer of ownership or of building development, providing lots, tracts or parcels of land thereby created having frontage on an improved public street or streets and providing further that there is not created by the subdivision any new street, street easement, easements of access or need therefore.
135. SUBSTANTIALLY COMPLETED. Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements of which financial security was posted pursuant to Section 509 of the Municipalities Planning Code) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.
136. SURFACE DRAINAGE PLAN. A plan showing all present and proposed grades and facilities for storm water drainage.
137. SURVEYOR, PROFESSIONAL LAND. An individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying.
138. SWALE. A low-lying stretch of land characterized as a depression used to carry surface water runoff.
139. TOPOGRAPHIC MAP. A map showing the elevations of the ground by contours or elevations.
140. TOPOGRAPHY. The configuration of a surface area showing relative elevations.
141. TOP SOIL. Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the A Horizon.

142. UNDEVELOPED LAND. Any lot, tract or parcel of land which has not been graded to or in any other manner prepared for the construction of a building.
143. UNIT. Means a part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.
144. UTILITY, PUBLIC OR PRIVATE.
- a. Any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service;
 - b. A closely regulated private enterprise with an exclusive franchise for providing a public service.
145. VEGETATIVE COVER. Shall consist of trees, shrubs, flowers, grass, ground or bank cover or suitable pervious decorative substitute.
146. WATERCOURSE. A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or man-made.
147. WETLANDS. Areas that are periodically or permanently inundated by surface or ground water and support vegetation adapted for life in saturated soil. Wetlands include swamps, marshes, bogs and similar areas.
148. YARD. An unoccupied space, outside the building setback lines, other than a court, open to the sky, on the same lot with a building or structure.
149. YARD, BUFFER. A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in the York Springs Zoning Ordinance, and on which is placed (planted) year-round shrubbery, hedges, evergreens, or other suitable plantings of sufficient height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district and may include a wall.

ARTICLE IV

PLAT SPECIFICATIONS AND PROCESSING PROCEDURES

Section 401. GENERAL REQUIREMENTS

Whenever a subdivision of land or land development is desired to be effected in the Borough of York Springs, Adams County, Pennsylvania, a plat of the layout of such subdivision or land development shall be prepared, filed and processed according to the requirements of this Subdivision and Land Development Ordinance.

Section 402. OPTIONAL SKETCH PLANS

1. Prior to the filing of a subdivision or land development plat for review and approval, the Applicant is encouraged to submit a Sketch Plan to the Planning Commission for advice on the requirements necessary to achieve conformity with the standards of this and other applicable municipal ordinances, as well as, to alert the Applicant to other factors which must be considered in the design of the subdivision or land development.
2. The plan shall be clearly labeled "SKETCH PLAN" and should include sufficient information to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing conditions and facilities within the area in which it is to be located. It is recommended that Sketch Plan submissions include the following:
 - a. A map covering sufficient area to establish the location of the site, and
 - b. An informal plan of any existing or proposed streets, buildings, lot arrangement, utilities, significant natural features and other elements within the proposed subdivision or land development including topographic contours.
3. Prior to the preparation of any plans, the Applicant should consult with the Adams County Conservation District concerning the preparation of plans for storm water management and erosion and sedimentation control.
4. The Applicant shall consult with the York Springs Municipal Authority regarding the availability for Public water and public sewer.
5. At this stage, the Commission shall assist the Applicant in determining whether or not the site is located in an identified flood hazard area, in which case compliance with applicable flood plain management provisions shall be required.
6. If it is known that the parcels being created will be used for development requiring a Special Permit, or for development that is considered dangerous to human life, prospective developers should check the provisions contained in the York Spring Borough Floodplain Management Ordinance, which pertain specifically to such development.

Section 403. MINOR SUBDIVISION AND LAND DEVELOPMENT APPLICATION

1. Where five (5) or fewer lots are proposed to be subdivided from a tract of land or where land is being transferred to be combined with an existing lot, an application for the submission of a Minor Subdivision and Land Development shall be made to the Borough Secretary, provided such proposal is on an existing street and no new streets are involved. In such cases the applicant shall submit a Final Plat as follows:

a. The Final Plat shall be submitted and processed as required by Section 404.3, "FINAL PLATS: PROCEDURE", and contain the following data and plat specifications:

- (1) Submit a stormwater management/erosion and sedimentation control plan as required by the "Pennsylvania Clean Streams Law", and the Pennsylvania Department of Environmental Resources "Erosion Control Rules and Regulations: (Title 25, PART I, Subpart C, Article II, Chapter 102 - EROSION CONTROL). The plan content shall be prepared in accordance with applicable provisions herein.
- (2) Ten (10) copies and one (1) reproducible sepia (or other reproducible material of equal quality) copy of the plat prepared by a registered surveyor or engineer, at a maximum scale of 1" = 100', on sheets no larger than 24" x 36" clearly labeled "FINAL PLAT", shall be submitted containing the following information:
 - (a) The development or property name.
 - (b) A location map on the plat (minimum scale 1" = 1,000') showing property location, streets and other pertinent information.
 - (c) Outline of property from which lot(s) are being subdivided, lot area, bearings and distances of lot lines, and referenced primary control point.
 - (d) Right-of-way widths, cartway widths, and street names and numbers for existing and/or proposed streets, alleys and easements.
 - (e) Existing man-made features.
 - (f) Name of Zoning District and building setback lines.
 - (g) Existing contours at vertical intervals of two (2') feet or less as required by the Planning Commission.
 - (h) Location and description of survey monuments shown on the plat.
 - (i) Locations of existing and/or proposed public utilities.
 - (j) Existing natural features, such as watercourses, wetlands, marshes, rock outcrops and wooded areas.
 - (k) Affected property deed reference including, book and page number.
 - (l) Adjacent landowner names.
 - (m) Reference to recorded subdivision/land development plats of adjoining platted land and by record name, date and number.

- (n) Name, address, and telephone number of owner or applicant.
- (o) Name, address, and telephone number and seal of professional engineer certifying engineering aspects and professional land surveyor certifying accuracy of plat survey (as defined herein). (Example contained in Exhibit I herein.)
- (p) Date of plat preparation.
- (q) Municipality where property is located.
- (r) North point and scale.
- (s) Certification of ownership and dedicatory statement signed by owner. (Example contained in Exhibit I herein.)
- (t) Notary public and recording statement. (Example contained in Exhibit I herein.)
- (u) Approval blocks to be signed by the Planning Commission and the Borough Council. (Example contained in Exhibit II herein.)
- (v) Proposed Protective Covenants running with the land, if any.
- (w) When applicable, a copy of the "Sewage Module for Land Development" or other equivalent documentation approved by the Department of Environmental Resources in compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code, as amended.
- (x) When applicable, a statement should be included on plat regarding the presence of wetlands. The statement should note that no development is proposed within wetlands or that the necessary approvals for the disturbance of wetlands have been obtained from the appropriate federal and state regulating agencies. Disturbance of wetlands shall include, but not be limited to filling, draining or building activities.
- (y) Compliance with the York Springs Borough Floodplain Management Ordinance, pertaining to applications located in a flood hazard area.
- (z) Where the proposed subdivision abuts a State Highway (Pennsylvania Route or United States Route), evidence in writing from the Pennsylvania Department of Transportation indicating the Department's concurrence with the proposed design for driveway access and drainage required for issuance of the Department's Highway Occupancy permits.
- (aa) Where water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or land development, the applicant shall present

evidence to the Planning Commission that the subdivision or land development that a potable water is to be adequately supplied by a municipal corporation, authority or utility or a bona fide cooperative association of lot owners. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be deemed acceptable evidence.

(bb) Such other data as may be required by the Planning Commission or Borough Council in the enforcement of this Ordinance.

2. After two (2) minor subdivisions have taken place within any given tract, the developer shall be required to submit a preliminary plan for the entire tract, in accordance with Sections 404.1 and 404.2 herein, as part of next subsequent application, unless the size, frequency and interrelationships of prior subdivisions clearly do not warrant such.

Section 404. MAJOR SUBDIVISION AND LAND DEVELOPMENT APPLICATION

1. PRELIMINARY PLATS: PROCEDURE

- a. The applicant, fourteen (14) calendar days prior to the meeting of the Commission at which consideration is desired, shall file with the Borough Secretary, ten (10) copies of a complete preliminary plat of the proposed subdivision or land development and other required data and maps. The applicant shall submit concurrently, with the Preliminary Plat, five (5) copies of the sewage "Plan Revision Module for Land Development", if applicable.
- b. The Borough Secretary shall submit copies to the Adams County Office of Planning and Development, Borough Engineer and/or Consultant and may submit copies to the Public Utilities, Bermudian School District, Adams County Conservation District, Pennsylvania Department of Environmental Resources and other Public Agencies. The Borough Council, upon the recommendation of the Commission shall act on any such Preliminary Plat not later than ninety (90) days following the date of the regular meeting of the Borough Council or the Planning Commission (whichever first reviews the application) following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) 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. In the event that any alteration of requirements from this Ordinance is requested by the applicant or is deemed necessary by the Commission for approval, the alteration and the reason for its necessity shall be entered in the records of the Commission.
- c. The Adams County Office of Planning and Development shall review the Preliminary Plat and Data and shall return one (1) copy of a written report stating their suggestions for modifications and design changes to the Planning Commission within thirty (30) days of their receipt of same or forfeit their right to review.
- d. The Borough Council shall determine whether the Preliminary Plat shall be approved, or disapproved, and shall notify the applicant in writing thereof, including, if approved with conditions or disapproved, a statement of reasons for such action, not later than fifteen (15) days following the decision.

- e. Before acting on any subdivision plat, the Borough Council, may hold a public hearing thereon after public notice.
- f. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance.
- g. 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 an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. (A sample "Agreement to Extend the Time for Rendering and Communicating a Decision on Certain Preliminary and/or Final Subdivision Plans" is contained in Exhibit III herein.)
- h. Approval of the Preliminary Plat constitutes approval of the proposed subdivision or land development with respect to the general design, the approximate dimensions and other planned features. Preliminary approval binds the developer to the general scheme of the Plat as approved. Preliminary approval does not authorize the recording, sale or transfer of lots or the installation of improvements.
- i. Preliminary approval shall expire within five (5) years after being granted. An extension of time may be requested by the Applicant and approved by the Borough Council in accordance with Section 508(4) of the Pennsylvania Municipalities Planning Code, Act 247, as amended. Request for extension shall be submitted to the Borough Secretary thirty (30) days prior to any prevailing expiration date. Extensions may be granted for no more than three (3) one-year periods.

2. **PRELIMINARY PLAT: SPECIFICATIONS**

- a. The following shall be submitted as part of the application for review and approval of a Preliminary Plat.
 - (1) Ten (10) copies and one (1) reproducible sepia (or other reproducible material of equal quality) copy of a map or series of maps or sheets not larger than 24" x 36" drawn to scale not smaller than one hundred (100') feet to the inch, unless otherwise specified herein, clearly labeled "PRELIMINARY PLAT", and showing the following:
 - (a) In the case where the preliminary plan covers only a portion of the affected tract, a key map at a scale not smaller than four hundred (400') feet, showing the entire tract with contours at intervals no less than twenty (20') feet, natural features, proposed street system, abutting streets, names of abutting property owners and location of proposed subdivision/land development.
 - (b) The development or property name.
 - (c) The owner's or applicant's name, address and telephone number.

- (d) The municipality's name in which the plat is located.
- (e) Name, address, telephone number and seal of the professional engineer certifying engineering aspects and professional land surveyor certifying accuracy of plat survey (as defined herein) (Example contained in Exhibit I herein.)
- (f) North point and scale.
- (g) Certification of ownership and dedicatory statement signed by owner. (Example contained in Exhibit I herein.)
- (h) Notary public and recording statement. (Example contained in Exhibit I herein.)
- (i) Approval blocks to be signed by the Planning Commission and the Borough Council. (Example contained in Exhibit II herein.)
- (j) A location map on the plat (minimum scale 1" = 1,000') showing property location, streets and other pertinent information.
- (k) Existing natural features, such as watercourses, wetlands, marshes, rock outcrops and wooded areas.
- (l) All existing buildings, sanitary and storm sewers, water mains, culverts, fire hydrants and other significant man-made features on or adjacent to the tract.
- (m) Existing contours at vertical intervals of two (2') feet or less as required by the Planning Commission.
- (n) Right-of-way widths, cartway widths, and names and numbers for existing and/or proposed streets, alleys and easements.
- (o) The layout of lots showing approximate dimensions, lot numbers, and approximate area of each lot.
- (p) Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, or other public, semi-public or community purposes.
- (q) When applicable, a statement should be included on plat regarding the presence of wetlands. The statement should note that no development is proposed within wetlands or that the necessary approvals for the disturbance of wetlands have been obtained from the appropriate federal and state regulating agencies. Disturbance of wetlands shall include, but not be limited to filling, draining or building activities.
- (r) Where the subdivision and/or land development lies partially or completely within any identified flood plain area or district or where such activities border on any identified flood plain area or district, the preliminary plat shall include the following information:

- (i) location and elevation of proposed roads, utilities, and building sites, fills, flood or erosion protection facilities;
- (ii) floodway and one-hundred (100) year flood elevations; and
- (iii) areas subject to special deed restrictions.

All such maps shall show contours at intervals of two (2') feet.

b. The preliminary plat shall be accompanied by the following data and plans:

- (1) A profile of each street, including grades.
- (2) Location of existing and proposed utility mains.
- (3) Location plans of proposed sanitary and/or storm water sewers and of any proposed water distribution systems.
- (4) A profile of the proposed sanitary and storm sewers and water lines, with invert elevations and connections to existing systems.
- (5) Where water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or land development, the applicant shall present evidence to the Planning Commission that the subdivision or land development that a potable water is to be adequately supplied by a municipal corporation, authority or utility or a bona fide cooperative association of lot owners. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- (6) A preliminary stormwater management/erosion and sedimentation control plan, as required by the "Pennsylvania Clean Streams Law", and the Pennsylvania Department of Environmental Resources "Erosion Control Rules and Regulations: (Title 25, PART I, Subpart C, Article II, Chapter 102 - EROSION CONTROL), together with a report from the Adams County Conservation District indicating whether a permit for earth moving activity is required from the Department of Environmental Resources under Chapter 102 regulations. The plan content shall be prepared in accordance with the erosion control measures set forth herein.
- (7) If necessary, a completed sewage "Plan Revision Module for Land Development" to comply with the planning requirements of the Pennsylvania Sewage Facilities Act and Section 71.16 of Chapter 71 of Title 25 of the Pennsylvania Code for Submission by the municipality to the Department of Environmental Resources.
- (8) Where the proposed subdivision abuts a State Highway (Pennsylvania Route or United States Route), evidence in writing from the Pennsylvania

Department of Transportation indicating the Department's concurrence with the proposed design for driveway access and drainage required for issuance of the Department's Highway Occupancy permits.

- (9) A copy of a report, where deemed necessary by the Borough Council or Borough Engineer/Consultant, indicating an estimated volume of vehicular traffic movement and the adequacy of the proposed and existing streets and highways to carry the traffic both within and beyond the proposed development including possible solutions to such problems as may be thereby identified.
- (10) Such other data as may be required by the Planning Commission or Borough Council in the enforcement of this Ordinance.

3. FINAL PLATS: PROCEDURE

- a. The applicant shall, not later than five (5) years after the date of approval of the Preliminary Plat, for that portion intended to be developed, file with the Borough Secretary, a Final Plat. Such filing shall include, as part of the formal submission, all the material and other data required under the Final Plat specifications as listed in Section 404.4 herein. Failure to comply with the time limitation herein provided shall make the approval of the Preliminary Plat null and void unless an extension of time is granted in accordance with Section 404.1.g. herein.
- b. The Final Plat shall incorporate all the changes and modifications required by the Borough Council and shall conform to the approved Preliminary Plat.
- c. One (1) reproducible sepla (or other reproducible material of equal quality) copy of the Final Plat and ten (10) prints shall be filed by the applicant with the Borough Secretary fourteen (14) days prior to the meeting of the Planning Commission at which meeting plat consideration is desired.
- d. Before approval of a Final Plat, the Borough Council must be assured of the completion of all required 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 which may be required. Such assurance shall be by means of financial security deposited with the Borough Council in sufficient amount to cover the costs of any improvements/common amenities and be in the form of Federal or Commonwealth chartered institution irrevocable letters of credit (Example contained in Exhibit IV herein.) or restrictive or escrow accounts in such lending institutions, or any other type of financial security which the Borough Council may approve.
- e. When requested by the developer, in order to facilitate financing, the Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Borough Council; such extension shall not be

unreasonably withheld and shall be placed in writing at the request of the developer.

- f. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided such bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such financial security shall provide for, and secure to the public, the completion of any improvements/amenities which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of improvements/amenities. (A sample "Agreement to Establish Security" is contained in Exhibit V.)
- g. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110%) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. The Borough Council may annually adjust the amount of the financial security by comparing the actual cost of the improvements/amenities which have been completed and the estimated cost for the completion of the remaining improvements/amenities 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, Borough Council may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with provisions herein.
- h. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements/amenities, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough Council, upon the recommendation of the Borough Engineer/Consultant, may refuse to accept such estimate for good cause shown. If the applicant or developer and the municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough Council and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough of York Springs and the applicant or developer.
- i. If the party posting the financial security requires more than one (1) year, from the date of posting of the financial security, to complete the required improvements/amenities, the amounts of financial security may be increased by an additional ten (10%) percent for each one (1) year period beyond the first anniversary date from posting of the financial security or to an amount not exceeding one hundred ten (110%) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.
- j. Where development is projected over a period of years, the Borough Council may authorize submission of final plats by sections or stages of development subject to

such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

- k. As the work of installing the required improvements/amenities proceeds, the party posting the financial security may request the Borough Council to release or authorize the release of, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough Council who shall have forty-five (45) days from receipt of such request in which to allow the Borough Engineer/Consultant to certify, in writing, to the Borough Council that such portion of the work upon the improvements/amenities has been completed in accordance with the approved plat. 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/Consultant, fairly representing the value of the improvements/amenities completed. If the Borough Council fails to act within the said forty-five (45) day period, it 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 its Engineer/Consultant, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements/amenities.
- l. Where the Borough Council accepts dedication of all or some of the required improvements following completion, it may require the posting of financial security to secure the 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 plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of such financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.
- m. If water mains or sanitary sewer lines or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or Municipal Authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or Municipal Authority and shall not be included within the financial security as otherwise required by this section.
- n. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Borough shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted on the final plat, upon actual completion of the improvements depicted on the approved final plat. If financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted on the approved plat either on the lot or lots or beyond the lot or lots in question, if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

- o. When the developer has completed all of the required 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/Consultant.
- (1) The Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer/Consultant to inspect all of the required improvements.
 - (2) 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 authorization for inspection by the Borough Council.
 - (3) The report shall be detailed and shall indicate approval or rejection of said improvements/amenities, either in whole or in part, and if said improvements/amenities, 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 nonapproval or rejection.
 - (4) The Borough Council shall notify the developer, within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of the action of the Borough Council with relation thereto.
 - (5) If the Borough Council or the Borough Engineer/Consultant fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released of all liability, pursuant to its performance guaranty bond or other security agreement.
 - (6) If any portion of the said improvement 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 listed above shall be followed.
- p. The Borough Council may prescribe that the applicant or developer shall reimburse the Borough of York Springs for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer and/or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.
- (1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Borough Council that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed engineer expenses.

- (2) If, within twenty (20) days from the date of billing, the Borough Council and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Borough Council shall jointly, by mutual agreement, appoint another professional engineer, licensed as such in the Commonwealth of Pennsylvania, to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
 - (3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
 - (4) In the event that the Borough Council and applicant cannot agree upon the professional engineer to be appointed within the twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the _____ Judicial District (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough Engineer nor any professional engineer who has been retained by, or perform services for, the Borough or the applicant within the preceding five (5) years.
 - (5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay one-half of the fee of the appointed professional engineer.
- q. Before acting on any subdivision plat, the Borough Council may hold a public hearing thereon after public notice.
 - r. The Borough Council, upon the recommendation of the Commission, shall act on any such Preliminary Plat not later than ninety (90) days following the date of the regular meeting of the Borough Council or the Planning Commission (whichever first reviews the application) following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) 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. In the event that any alteration of requirements from this Ordinance is requested by the applicant or is deemed necessary by the Council/Commission for approval, the alteration and the reason for its necessity shall be entered in the records of the Council/Commission.
 - s. The Borough Council shall determine whether the Final Plat shall be approved, or disapproved, and shall notify the applicant in writing thereof, including, if approved with conditions or disapproved, a statement of reasons for such action, not later than fifteen (15) days following the decision.

- t. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance.
- u. 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 an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. (A sample "Agreement to Extend the Time for Rendering and Communicating a Decision on Certain Preliminary and/or Final Subdivision Plans" is contained in Exhibit III herein.)
- v. No changes, erasures, modifications, or revisions shall be made on any Final Plat of a subdivision or land development after approval has been given by the Borough Council, and endorsed in writing on the plat, unless the plat is first resubmitted to the Borough Council.
- w. Upon the approval of a final plat the applicant or developer shall, within ninety (90) days of such final approval, record such plat in the Office of the Recorder of Deeds of Adams County. One recorded copy of the plat shall be transmitted to the Borough by the applicant or developer.
- x. In accordance with Section 508(4) of the Pennsylvania Municipalities Planning Code, Act 247, as amended, when an application for approval of a plat, 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 or other governing ordinance or plan shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

4. FINAL PLAT: SPECIFICATIONS

- a. The following shall be submitted as part of the application for review and approval of a Final Plat:
 - (1) Ten (10) copies and one (1) sepia of the Final Plat in the form of a map or series of maps on sheets no larger than 24" x 36", drawn to a scale not smaller than one hundred (100') feet to the inch and clearly labeled "FINAL PLAT." When more than one sheet is required, an index sheet of the entire subdivision or land development shall be shown on a sheet of the same size. The Final Plat shall be drawn in ink and shall show the following:
 - (a) Primary control points, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the subdivision or land development plat shall be referred.
 - (b) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way and property lines of residential lots or parcels in unit, cooperative or condominium subdivisions, and other sites

with accurate dimensions, bearings, or deflection angles, and radii, arcs, and central angles of all curves.

- (c) Locations and descriptions of survey monuments. All permanent reference monuments shown and described on the Plat.
- (d) Name, address, telephone number and seal of the professional engineer certifying engineering aspects and professional land surveyor certifying accuracy of plat survey. (As defined herein) (Example contained in Exhibit I herein.)
- (e) Certification of title showing that the applicant is the owner of land, agent of the landowner or tenant with permission of the landowner. (Example continued in Exhibit I herein.)
- (f) Statement by the owner dedicating streets, rights-of-way and any sites for public uses which are to be dedicated. (Example contained in Exhibit I herein.)
- (g) Proposed Protective Covenants running with the land, if any.
- (h) Name, address and telephone number of the owner/applicant.
- (i) Street lighting facilities, as applicable.
- (j) A location map on the plat (minimum scale 1" = 1,000') showing property location, streets and other pertinent information.
- (k) Number to identify each lot or parcel in unit, cooperative or condominium subdivisions and/or site.
- (l) Purpose for which sites other than residential lots or parcels in unit, cooperative or condominium subdivisions are dedicated or reserved.
- (m) Building setback lines on all lots or parcels in unit, cooperative or condominium subdivisions and/or sites.
- (n) Existing and proposed contours at vertical intervals as determined at the Preliminary Plat stage.
- (o) Names or record owners of adjoining unplatted land.
- (p) Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
- (q) A Final Stormwater Management/Erosion and Sedimentation Control Plan pursuant to the rules and regulations of the Pennsylvania Department of Environmental Resources (Title 25, Part 1, Sub-Part C, Article II, Chapter 102 of the Pennsylvania Code) and evidence that any required Erosion and Sedimentation Control Permit has been issued. If an Erosion and Sedimentation

Control Permit is not required, the Applicant shall provide evidence that the Stormwater Management/Erosion and Sedimentation Control Plan has been reviewed and approved by the Adams County Conservation District Office. However, if the District Office does not desire to review the Plan, the Borough Council may, at its discretion, have the Plan reviewed by the Borough Engineer and/or Consultant. The review cost shall be paid by the Applicant.

- (r) Prior to final approval of plat, where the proposed subdivision or land development abuts a State Highway (Pennsylvania Route or United States Route), the applicant shall provide written evidence that the plat will be submitted to the Pennsylvania Department of Transportation for their review and concurrence with the proposed design for driveway access and drainage required for issuance of the Department's Highway Occupancy Permits. Written evidence will be a note on the plat which should read, "No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law, before driveway access to a State Highway is permitted."
- (s) Approval blocks to be signed by the appropriate officers of the Planning Commission, Borough Council and Borough Engineer. (Example contained in Exhibit II herein.)
- (t) Other Data: The Final Plat shall be accompanied by the following data and plans as prescribed by the Borough Council or as required by the laws of the Commonwealth:
 - (i) Profiles of streets and alleys showing grades.
 - (ii) Typical Cross Sections of each type of street, minor streets, collector, etc., showing the width of right-of-way, width of cartway, location and width of curbs and sidewalks, if required, and location and size of utility mains.
 - (iii) Plans and profiles of proposed sanitary and storm water sewers, with grades and pipe size indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
 - (iv) Certificates of agreement to provide service from applicable utility companies.
 - (v) In the case of subdivision and land development plans proposed for the sale of lots only, the subdivider shall include on the Final Plat, a covenant with the land assuring the

Implementation of the Erosion and Sedimentation Control Plan by the lot owners.

(vi) A copy of the sewage "Plan Revision Module for Land Development" approved by the Pennsylvania Department of Environmental Resources in compliance with the requirements of the Pennsylvania Sewage Facilities Act and Chapter 71 of Title 25 of the Pennsylvania Code, as amended.

(vii) When any portion of the tract proposed for subdivision or land development is located within an identified flood district or flood plain area, the following information shall be required as part of the Final Plat and shall be prepared by a registered engineer or surveyor:

1 - The exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any identified flood plain area or district. All such maps shall show contours at intervals of two (2') feet and identify accurately the boundaries of the flood plain areas, and all be verified by the Borough Engineer.

2 - Submission of the Final Plat shall also be accompanied by all required permits and related documentation from the Pennsylvania Department of Environmental Resources, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Pennsylvania Department of Community Affairs, and the Federal Insurance Administration shall also be notified whenever any such activity is proposed.

(viii) A final storm water management plan, approved by the Borough Engineer and/or Consultant.

(ix) When applicable, a statement should be included on plat regarding the presence of wetlands. The statement should note that no development is

proposed within wetlands or that the necessary approvals for the disturbance of wetlands have been obtained from the appropriate federal and state regulating agencies. Disturbance of wetlands shall include, but not be limited to, filling, draining or building activities.

- (x) Where a private road or street is proposed or in existence as the proposed access for any lot or lots in the plan, the plan shall be accompanied by a maintenance agreement for said road or street, obligating all affected property owners.
- (xi) Where surface storm water drainage is to be carried off-site or outside the right-of-way of any existing or proposed streets, the plan shall be accompanied by necessary drainage easement agreements.
- (xii) Such other certificates, affidavits, endorsements, or dedications as may be required by the Borough Council in the enforcement of these regulations.

ARTICLE V

GENERAL DESIGN STANDARDS

Section 501. APPLICATION

1. The following principles, standards, and requirements will be applied by the Borough Council and Planning Commission in their review and evaluation of all subdivision and land development plat applications.
2. The standards and requirements contained herein shall be considered the minimum for the promotion of the public health, safety, convenience, and general welfare.
3. Where literal compliance with the standards and requirements contained herein is clearly impractical, the Borough Council may modify or waive such through the alteration of requirements process as set forth in ARTICLE X of this Ordinance.
4. Subdivision and land development plats shall give due consideration to Future Land Use Plan of the Borough of York Springs and the Adams County Comprehensive Plan, or to such parts thereof as may be adopted pursuant to statute.
5. Proposed land uses shall conform to the Borough of York Springs Zoning Ordinance, as amended.
6. Land subject to hazards to life, health, or property, such as may arise from fire, flood, disease, or other causes, shall not be platted for development purposes unless such hazards have been eliminated or unless the plat shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
7. Handicapped Accessibility

All required improvements shall be designed in conformance with the American with Disabilities Act Architectural Guidelines and constructed in accordance with the Guidelines and Design criteria contained in PA DOT Publication 70, entitled, "Guidelines for Design of Local Roads and Streets," as amended.

Section 502. STREETS

1. General Standards
 - a. Proposed streets shall be properly related to such street plans or parts thereof as have been officially adopted by the Borough of York Springs and shall be coordinated and consistent with existing or proposed streets in adjoining areas. Furthermore, proposed streets shall be properly related to County or State transportation plans as have been prepared and adopted as prescribed by law.
 - b. Streets shall be laid out to preserve the integrity of their design and the character of the community. Local access streets shall be laid out to discourage their use by through traffic and collector and arterial streets shall be designed for use by through traffic.

**TABLE 1
STREET WIDTHS**

Street Type	Cartway Width				Material Specifications	
	Right-of-Way Width	(1) Shoulders	W/O Curbs	With Curbs	Base Materials	Paving
Arterial Streets	As determined by the Governing Body and Planning Commission after consultation with the Pennsylvania Department of Transportation.					
Collector Streets (Residential) (Nonresidential)	60' 60'	6' each 6' each	28' 32'	36' 44'	10" - #4 Crushed Aggregate ⁽²⁾ 6" - 2A Subbase and 6" - BCBC 6" - 2A Subbase	1½" - ID-2 Binder 1" - ID -2 Wearing Course OR 1½" - ID Wearing Course OR 6" P.C.C.
Minor Streets (general)	50'	4' each	24'	30'	6" - #4 Crushed Aggregate ⁽²⁾ 6" - 2A Subbase and 4½" - BCBC	1½" - ID-2 Binder 1" - ID-2 Wearing Course OR 1½" - ID-2 Wearing Course
Minor Streets (industrial/commercial uses)	60'	6' each	28'	34'	Same as Collector	Same as Collector
Cul-de-Sac	50'	4' each	24'	30'	Same as Minor (general)	Same as Minor (general)
Turnaround of Cul-de-Sac (radius)	50'	4'	40'	40'	Same as Minor (general)	Same as Minor (general)

(1) Required only in absence of curbing

(2) Installed in accordance with PennDOT Specification Section 310 contained in Publication 418.

P.C.C. = Plain Cement Concrete

R = Radius

- c. Streets shall be related to the topography so as to establish usable lots and satisfactory street grades.
- d. Proposed street arrangements shall make provisions for the continuation of existing streets in adjoining areas; the proper projection of streets into adjoining undeveloped or unplatted areas; and the continuation of proposed streets to the boundaries of the tract being subdivided.
- e. Extensions of existing streets with lesser right-of-way and/or cartway widths than prescribed in this section may be permitted; provided that no section of new right-of-way less than forty (40') feet in width shall be permitted.
- f. New half or partial streets shall be prohibited except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained; a cul-de-sac shall be constructed at the end of such half street which shall be of a permanent nature, unless a temporary cul-de-sac is approved.
- g. Names of new streets shall not duplicate existing or platted street names, or approximate such names by the use of suffixes such as "lane", "way", "drive", "court", "avenue". In approving the names of streets, cognizance should be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation of alignment with an existing or platted street.
- h. Insofar as possible, streets on which structures utilizing solar access are proposed to front upon, shall be oriented along an east-west axis with maximum deviations permitted up to twenty-five (25) degrees; provided that such orientations are feasible based on soil and slope conditions and are a practical means of providing safe and convenient access and circulation.
- i. Proposed private streets (streets not offered for dedication) are prohibited.
- j. Where the proposed subdivision or land development contains or is adjacent to an arterial or major collector highway, provision for a marginal access street may be required. Rear service alleys, reverse frontage lots or such other treatment which will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic, may also be required.
- k. Where a new subdivision or land development abuts an existing street, the applicant shall provide any required dedication for widening the existing street to meet standards as set forth in Section 502.3, for purposes of accommodating utility services, runoff ponding, storage of plowed snow, emergency parking, temporary roadway adjustments during maintenance procedures and accidents and future roadway improvements. Where the cartway is widened by the installation of curbing or other required improvements, fill-in paving shall be required. For state routes, the plan shall show the existing legal limit of the state right-of-way and any additional right-of-way being dedicated to the Borough. The right-of-way to be dedicated shall be measured from the centerline of the existing street or state route.

- l. Wherever a proposed subdivision or land development is immediately adjacent to, or within 1,000 feet of any existing or recorded subdivision or land development having curbs, curbs shall be installed on each side of the street in accordance with specifications as set forth in Section 605 herein. Under the recommendation of the Borough Planning Commission and/or Borough Engineer, the Borough Council may require installation of curbs in any subdivision or land development where the bulk of the buildings, area of parking, roads, and the gradient of such areas or other evidence indicates that such improvements are necessary for proper drainage.
- m. Wherever a proposed subdivision or land development is immediately adjacent to, or within 1,000 feet of any existing or recorded subdivision or land development having sidewalks, sidewalks shall be installed on each side of the street in accordance with specifications as set forth in Section 606 herein. Under the recommendation of the Borough Planning Commission and/or Borough Engineer, the Borough Council may require installation of sidewalks in any subdivision or land development where the evidence indicates that such improvements are necessary for the public safety.
- n. ~~k.~~ Where a proposed subdivision or land development is provided access by a single street, the Borough Council may require a boulevard-type entrance which would consist of two (2) streets having a width of no less than twenty (20') feet each separated by an island having a width of ten (10') feet within a right-of-way of no less than seventy (70') feet in width.
- o. m. Applicants for a subdivision or land development abutting a state route shall be responsible for obtaining approval of any proposed improvements, and for obtaining a Pennsylvania Department of Transportation Highway Occupancy Permit for any proposed improvements.
- p. n. Prior to final plat approval, applicant shall certify that title to any street rights-of-way are unencumbered of any liens or other obligations and that no prior right-of-way has been granted.
- q. o. Rights-of-way, as provided in Table 1 herein, are based upon utility servicing needs, to accommodate runoff ponding, storage of plowed snow, emergency parking, temporary roadway adjustments during maintenance procedures and accidents, and to accommodate future improvements.

2. Street Classification

Three (3) functional classifications of streets and roads, are established as follows:

a. Arterial

This classification includes highways which provide intra-county or intermunicipal traffic of substantial volumes.

b. Collector

This classification is intended to include those roads which connect minor streets to arterial highways and generally serve intracounty and intramunicipal traffic. They

may serve as traffic corridors connecting residential areas with employment centers, shopping and other services. They may penetrate residential areas.

c. **Minor**

This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short.

3. **Street Widths**

a. **Minimum street right-of-way and cartway widths shall be required as presented in Table 1.**

b. **Provision for additional street width and/or right-of-way may be required when determined to be necessary by the Borough Council in specific cases for public safety and convenience (See Section 502.1.k. herein).**

4. **Cul-de-Sac or Dead End Streets**

a. **Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.**

b. **Any dead-end street, for future access to an adjoining property or because of authorized phased development, shall be provided with a temporary, all-weather turn-around within the subdivision or/and land development; and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.**

c. **Cul-de-Sac streets serving residential uses, permanently designed as such, shall not exceed two hundred (200') feet in length and shall not furnish access to more than ten (10) dwelling units.**

d. **Cul-de-Sac streets serving commercial and/or industrial uses shall be adequate for the type of use to be serviced as approved by the Borough Engineer but, in no case, shall exceed two hundred (200') feet in length.**

e. **All permanent Cul-de-Sac streets shall be provided, at the closed end, with a fully paved turnaround.**

f. **Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.**

(1) **The minimum radius to the pavement edge or curb line shall be forty (40') feet, and the minimum radius of the right-of-way line shall be fifty (50') feet.**

g. **Drainage of cul-de-sac streets shall be provided in accordance with Article VII herein.**

h. **The centerline grade on a cul-de-sac street shall not exceed ten (10%) percent and the grade of the diameter of the turn around shall not exceed two (2%) percent.**

6. Horizontal and Vertical Curves

- a. To ensure adequate sight distances, minimum centerline radii for horizontal curves shall be as follows:
 - (1) Minor Street: two hundred (200') feet
 - (2) Collector Street: three hundred (300') feet
 - (3) Arterial Street: five hundred (500") feet
- b. A tangent of at least one hundred (100') feet shall be introduced between all horizontal curves on collector and arterial streets.
- c. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.
- d. At all changes of street grades where the algebraic difference exceeds one (1%) percent, vertical curves shall be provided to permit the following minimum sight distances:
 - (1) Minor Street: two hundred (200') feet
 - (2) Collector Street: three hundred (300') feet
 - (3) Arterial Street: four hundred (400') feet

7. Intersections

- a. Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than seventy-five (75) degrees.
- b. Intersections involving the junction of more than two (2) streets are prohibited.
- c. Streets intersecting another street shall either intersect directly opposite to each other, or shall be separated by at least one hundred fifty (150') feet between centerlines, measured along the centerline of the street being intersected.
- d. Intersections shall be approached on all sides by a leveling area within forty (40') feet of the intersection of the nearest right-of-way lines. The grade differential between the roadway cross slope and approaching street shall not exceed five (5%) percent in this area.
- e. Intersections with major streets, excluding state routes, shall be located not less than eight hundred (800') feet apart, measured from centerline to centerline, along the centerline of the major street.
- f. At intersections of streets, the curb or edge of payment radii shall not be less than the following:

<u>Intersection</u>	<u>Minimum Simple Curve Radii of Curb or Edge of Pavement</u>
Arterial Street Intersections	As required by PennDOT
Collector Street with Collector Street	35'
Minor Street with Collector Street	25'
Minor Street with Minor Street	20'

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

8. Intersection Sight Distance and Clear Sight Triangles.

Adequate sight distances and clear sight triangles shall be provided at all intersections of streets, and for driveways intersecting a street, in accordance with Exhibit VI.

9. Street Grades

a. The grades of streets shall not be less than the minimum or more than the maximum requirements listed below:

<u>Type of Street</u>	<u>Minimum Grade</u>	<u>Maximum Grade</u>
Arterial Streets	.50	As determined by the Governing Body after consultation with the Commission and the PA Department of Transportation.
Collector Streets	.50	eight (8%) percent
Minor Streets	.50	ten (10%) percent
Street Intersection	.50	five (5%) percent

b. On minor streets and service drives, grades greater than ten (10%) percent shall not be more than two hundred (200') feet in length, or as recommended for approval by the Borough Engineer.

10. Slopes of Banks Along Streets

The slope of banks along streets measured perpendicular to the street centerline shall be no steeper than the following:

a. One (1') foot of vertical measurement for three (3') feet of horizontal measurement for fills.

- b. One (1') foot of vertical measurement for two (2') feet of horizontal measurement for cuts.
- c. The full right-of-way shall be graded not to exceed a two (2%) percent slope. The top or toe of slope shall be at the dedicated right-of-way line.

11. Access Drives and Driveways

- a. Direct access from residential lots to an arterial street shall be avoided whenever possible. Where such direct access cannot be avoided, adequate turnaround space shall be provided behind the right-of-way line.
- b. A valid Highway Occupancy Permit shall be obtained from the Pennsylvania Department of Transportation for all access drives and driveways connecting to a state route.
- c. Driveways serving single family residences shall intersect streets at angles of no less than sixty (60) degrees. All other driveways or access drives shall intersect streets at right angles, where possible, and in no instance shall such intersection be less than seventy-five (75) degrees.
- d. The width of an access drive or driveway shall be in accordance with the following standards:
 - (1) For multifamily residential, mobile home parks, and all nonresidential developments or subdivisions, access drives shall be no less than twenty-four (24') feet in width at the street line, and shall clearly be defined by the use of curbing.
 - (2) For all other residential subdivisions/land developments, driveways shall be no less than ten (10') feet in width and no greater than twenty (20') feet in width at the street line.
- e. In order to provide for safe and convenient ingress and egress points, access drives and driveway entrances shall be rounded at the following minimum radius.
 - (1) For multi-family residential, mobile home parks, and all nonresidential developments or subdivisions, access drive entrances shall be rounded at minimum radius of ten (10') feet.
 - (2) For all other residential subdivisions/land developments, driveway entrances shall be rounded at a minimum radius of five (5') feet.
- f. The grades on access drives or driveways shall not exceed the following:
 - (1) Eight (8%) percent when access is to an arterial street,
 - (2) Ten (10%) percent when access is to a collector or minor street.
- g. Private residential driveways and multi-family/nonresidential access drives on corner lots shall be located at least thirty-two (32') feet from the point of intersection of the nearest street right-of-way lines.

- h. In order to provide a safe and convenient means of access, grades on private driveways and access drives shall be so designed to allow for the unimpeded flow of storm water runoff. A driveway shall be paved within the dedicated right-of-way area with the remaining portion being stabilized to its full width to prevent erosion. An access drive shall be paved in accordance with Section 603 herein.
- i. All driveways and access drives shall be located, designed and constructed in such a manner so as not to interfere or be inconsistent with the design and maintenance and drainage of, or the safe and convenient passage of traffic.
- j. Driveways or access drives shall be located no closer than ten (10') feet from a fire hydrant or storm drainage inlet.
- k. Any new or improved driveway or access drive connections to local streets shall require a Driveway Permit issued by the Borough of York Springs prior to start of construction.
- l. Proposed access drives for purposes of providing a means of secondary access to a lot, are permitted only where deemed appropriate by the Borough Council and Borough Engineer.

Section 503. EASEMENTS

- 1. Easements shall be provided for drainage facilities, overhead or underground public and private utility facilities in consultation with the Borough Engineer, the Electric, Telephone and Water Utilities, the Pennsylvania Department of Transportation, and the Municipal Authority.
 - a. The minimum width of such easements shall be twenty (20') feet for drainage facilities and underground utilities, ten (10') feet for overhead utilities. Additional width may be required by the Commission depending on the purpose and use of the easements.
 - b. Wherever possible such easements shall be centered on the side or rear lot lines, or along the front lot lines.
- 2. Where a subdivision and/or land development is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement, width to be determined by the Borough Engineer, conforming substantially with the line of such watercourse, drainageway, channel or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities or for the purpose of installing a storm sewer. Under no circumstances shall the easement be less than twenty-five (25') feet. Access easements shall also be required.
- 3. Where a subdivision or land development involves the use of solar access, solar skyspace easements will be provided, shall be in writing, and shall be subject to the same conveyancing and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefitted and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating a solar skyspace easement shall include, but not be limited to:

- a. A permanently identifiable description of the skyspace above the burdened land into which trees, buildings and/or other obstructions as specified by the easement shall not be permitted to encroach:
 - b. Any terms or conditions under which the solar skyspace easement is granted or will be terminated; and
 - c. Any provision for compensation by the owner of the land benefitting from the solar skyspace easement, or compensation of the owner of the land burdened by the solar skyspace easement for maintaining the easement.
4. Where necessary for access to public or common lands, a pedestrian easement shall be provided with a width of no less than ten (10') feet. Additional width may be required by the Borough Council depending on the purpose and use of the easement.

Section 504. BLOCKS

1. The length, width, shape, and design of new blocks shall be consistent with existing blocks located throughout the Borough.
2. New/proposed blocks established perpendicular to Main Street throughout the Borough shall be two (200') feet in length. Proposed plans for the placement and construction of future blocks shall be reviewed by the Borough Engineer for consistency with established adjacent street and block patterns and for the provision of safe and convenient vehicular and pedestrian circulation.

Section 505. LOTS

1. General Standards
 - a. The size, depth, width and orientation of lots shall conform to applicable zoning regulations of the Borough of York Springs.
 - b. Where feasible, lot lines should follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
 - c. If, after subdividing, there exists remnants of land, they shall be either:
 - (1) Incorporated in existing or proposed lots; or
 - (2) Legally dedicated to public use, if acceptable to the Borough of York Springs.
2. Lot Frontage
 - a. All lots shall abut a public street or alley, existing or proposed, if it meets the requirements of these regulations.
3. Building Setbacks
 - a. Front, side, and rear setbacks shall be in conformance with the Borough of York Springs Zoning Ordinance, as amended.

- b. Buildings shall be oriented such that their longest axis faces within twenty-five (25) degrees of true south whenever lot size, street orientations, soil, and slope conditions make this practical.

Section 506. EROSION AND SEDIMENTATION CONTROL

1. General Requirements and Standards

- a. In the event that any person shall intend to make changes in the contour of any land or engage in earth moving activity, whether for subdivision, land development or any purpose, such person, who is required to obtain a permit, shall obtain such a permit from the Pennsylvania Department of Environmental Resources in accordance with the requirements of the "Rules and Regulations", Chapter 102, EROSION CONTROL authorized under P. L. 1987, June 22, 1937.
- b. Furthermore, under the requirements noted above, the Borough of York Springs shall notify the Department immediately upon receipt of an application for a building permit involving earth moving activity which affects five (5) acres or more of land.
- c. The Borough shall not issue a building permit to those engaged in earth moving activities requiring a Department of Environmental Resources permit, until the Department has issued the permit.
- d. An Erosion and Sedimentation Control Plan must be prepared for a single lot or more where subdivision, land development or other earth moving activity is proposed. The plan must be submitted:
 - (1) as required by the Rules and Regulations of the Department of Environment Resources noted above and;
 - (2) as required by the Pennsylvania Clean Streams Law, Act 222, July 31, 1970, as amended.
- e. Such Erosion and Sedimentation Control Plan shall be submitted to the Borough Engineer and Adams County Conservation District for review, and a copy of the Plan and review comments shall be submitted to the Commission as part of the Preliminary and Final Plat Applications.
- f. In the preparation of Erosion and Sedimentation Control Plans the person preparing such plans shall consult with the Adams County Conservation District to determine the measures needed to control erosion and sedimentation.

Section 507. DRAINAGE AND STORMWATER MANAGEMENT

Drainage and stormwater management shall be done in accordance with the provisions set forth in Article VII herein.

Section 508. NATURAL FEATURES PRESERVATION

The design and development of all subdivision and land development plans shall preserve, whenever possible, natural features which will aid in providing open space for recreation and conditions generally favorable to the health, safety and welfare of the residents of the Borough. These natural

features include; the natural terrain of the site, wooded areas, large trees, natural watercourses and bodies of water and wetlands.

1. Tree Preservation and Planting

- a. When deemed necessary by the Borough's Planning Commission, a Landscape Plan will be developed for a subdivision or land development. Such plan shall indicate the vegetation or plant cover which exists and, on the same or separate sheet, the vegetation or plant cover which will exist when landscaping is completed. In addition, landscaping shall be designed, installed, and maintained with the aim of allowing as great a portion of the site to remain or become wooded without adversely affecting the availability of solar access to the south.
- b. The location and species of trees and other landscaping elements shall be such that when grown to full maturity shall not impede solar access to neighboring structures.

2. Stream Frontage Preservation

- a. A maintenance easement for the Borough or its designee, with a minimum width of twenty-five (25') feet, shall be provided along all stream banks. Such easement, in all cases, shall be of sufficient width to provide proper maintenance.
- b. Stream frontage shall be preserved as open space whenever possible.
- c. Access shall be provided to the water and maintenance easement area. The width of such access points shall not be less than twenty (20') feet.

3. Topography

- a. The existing natural terrain of the proposed subdivision tract shall be retained whenever possible. Cut and fill operations shall be kept to a minimum.

Section 509. DESIGN STANDARDS IN FLOODPLAINS

1. General Standards

- a. Where not prohibited by this or any other laws or ordinances, land located in any identified floodplain area or district may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
- b. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any identified floodway area or district. Sites for these uses may be permitted outside the elevated one and one-half (1 1/2') feet above the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least fifteen (15') feet beyond the limits of the proposed structures.
- c. Building sites for structures or buildings other than for residential uses shall not be permitted in any identified floodway area or district. Also, such sites for structures

or buildings outside the floodway shall be protected as provided for in "b" above. However, the governing body may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation below the Regulatory Flood Elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed at least up to that height.

- d. If the Zoning Officer determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
 - e. When a developer does not intend to develop the plat himself and the Borough determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.
2. Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a Grading and Excavation Permit, if such is required.
3. **Drainage Facilities**
- a. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings.
 - b. Plans shall be subject to the approval of the Borough. The Borough may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
4. **Streets**
- a. The finished elevation of proposed streets and driveways shall not be more than one (1') foot below the Regulatory Flood Elevation. The Borough may require profiles and elevations of streets to determine compliance with the requirements. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
5. **Sanitary Sewer Facilities**
- a. All sanitary sewer systems located in any designated floodplain district, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.
 - 1. The installation of sewage disposal facilities requiring soil absorption systems shall be prohibited where such system will not function due to high ground water, flooding, or unsuitable soil characteristics or within

designated flood plain areas or districts. The Borough may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in any such area or district.

6. **Water Facilities**

- a. All water systems located in any designated floodplain district, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.

7. **Other Utilities and Facilities**

- a. All other public and private utilities including gas and electric shall be elevated or floodproofed to not less than one and one-half (1 1/2') feet above the Regulatory Flood Elevation.

ARTICLE VI

IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

Section 601. IMPROVEMENTS REQUIRED

The applicant shall provide all improvements required by these regulations. The specifications for the improvements contained herein shall apply.

Section 602. MONUMENTS AND MARKERS

1. **Monuments**
 - a. No less than two (2) monuments per lot shall be set as follows:
 - (1) The intersection of all street right-of-way lines
 - (2) The intersections of lines forming angles in the boundaries of the subdivision or land development;
 - (3) Such intermediate points as may be required by the Borough Engineer/Consultant.
2. **Markers must be set:**
 - a. At all corners except those monumented;
 - b. By the time the property is offered for sale.
3. **Monuments and markers shall be the following sizes and made of the following materials;**
 - a. Monuments shall be six (6") inches square or four (4") inches in diameter and shall be thirty (30") inches long. Monuments shall be made of concrete, stone or by setting a four (4") inch cast iron or steel pipe filled with concrete.
 - b. Markers shall be three quarters (3/4") of an inch square or three quarters (3/4") of an inch in diameter and thirty (30") inches long. Markers shall be made of iron pipes or iron or steel bars.
4. **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 finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete.**
5. **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 603. STREET CONSTRUCTION

1. Pavements and Construction

Proposed streets and/or improvements to existing streets shall be designed in accordance with Article V herein. All streets shall be surfaced to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the Applicant and approved by the Borough Council. The Borough Council shall decide if a collector or arterial street is required as a direct result of the subdivision or land development in which case the Developer is responsible for paving the additional width required.

Before paving the street surface, the developer shall install the required utilities and provide, where necessary, adequate underdrains and stormwater drainage for the streets as set forth within this Ordinance. The pavement base and wearing surface must be constructed in accordance with the following material quantity specifications as outlined in Table 1, Section 502 entitled "Streets", herein. In addition, all street and drainage construction shall be completed in accordance with material quality specifications and execution for construction and testing as per Pennsylvania Department of Transportation (PA DOT), Publication 408, as amended.

a. Subgrade

- (1) No base course shall be placed on wet, frozen or unsuitable material. Unsuitable material includes sod, stumps and spongy soil, as well as, excess rock. Unsuitable material in subgrade shall be removed and replaced with material acceptable to the Borough Engineer.
- (2) Subgrade in fill area shall be compacted in accordance with construction standards as set forth in PA DOT, Publication 408, as amended.
- (3) Subgrade that has been distributed by trenching shall be backfilled and compacted in eight (8") inch layers and inspected by the Borough Engineer or his designated agent.
- (4) The moisture content at the time of compaction and density of the finished subgrade shall be in accordance with specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended.
- (5) Any springy or spongy areas shall be provided with a proper underdrain system, which is connected to the storm sewer system.
- (6) Subgrade shall be inspected by the Borough Engineer or his designated agent prior to the placement of the base course.

b. Base Course

(1) Local Streets

Base course material and thicknesses shall be consistent with Table 1, Section 502 entitled "Streets" herein, in accordance with the material and execution for construction and testing as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended.

(2) Collector Streets

Base course material and thicknesses shall be consistent with Table 1, Section 502 entitled "Streets" herein, in accordance with the material and execution for construction and testing as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended.

(3) Arterial Streets

For the construction of arterial roads or highways the Applicant shall consult the Planning Commission and Borough Council and be governed by the Pennsylvania Department of Transportation for the method of construction to be used.

(4) Base course shall be inspected by Borough Engineer or his designated agent prior to the placing of binder course.

(5) Base shall have binder applied as soon as possible to avoid damage to base.

(6) All foreign material shall be removed from base course prior to placing binder course.

(7) Base shall be compacted with a vibrating tamper or vibrating roller.

c. Surface Course

(1) Local and Collector Streets

Surface course material and thicknesses shall be consistent with Table 1, Section 502 entitled "Streets" herein, in accordance with the material and execution for construction and testing as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended.

(2) Surface course shall be sealed wherever it comes in contact with another structure (i.e. curb, manhole, inlet, etc.). This work shall be done in accordance with the material and execution for construction and testing as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended.

(3) Surface course shall be inspected by the Borough Engineer or his designated agent after completion of all work.

d. Shoulders

The base course shall consist of six (6") inches of compacted stone, gravel or slag constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended. The bituminous seal coat shall be constructed in accordance with the applicable requirements of the Pennsylvania Department of Transportation, Publication 408, as amended.

e. Driveway and Access Drive Entrances

Driveway and access drive entrances or aprons within the street right-of-way shall be surfaced to their full width, and in no case shall be less than twelve (12') feet wide for residential development, with the exception of multi-family residential, and eighteen (18') feet wide for multi-family residential and nonresidential developments. In no case shall the driveway or access drive entrance be more than two (2') feet wider than the driveway or access drive. The type of entrance surface shall be plain cement concrete, minimum depth of four (4") inches provided to the curb and/or cartway of the right-of-way.

- (1) Driveway and access drive entrances along streets where curbs are not required, shall be constructed to provide proper drainage along the streets and from the streets by the continuation of gutters, swales or ditches. Such continuation may be provided by having an approved pipe of not less than fifteen (15") inches in diameter across such entrances.
- (2) Driveway and access drive entrances along streets, where curbs are not required, shall be constructed so that the driveway or access drive meets the edge of the cartway as a continuation of at least the slope from the crown of the street for not less than five (5') feet.
- (3) Where proposed driveways or access drives provide access onto a State Highway (Pennsylvania Route or United States Route) the design of such driveway or access drive and drainage shall be prepared in accordance with the Pennsylvania Department of Transportation and shall be subject to the approval and issuance of permits by the Department. A note shall be placed on the plan, stating that "a Highway Occupancy Permit is required pursuant to Section 420 of the State Highway Law before driveway access to a State Highway is permitted". The Borough Council may issue a final plat approval if a permit has been secured or the notice of requirement for such a permit is placed on the plan. No building permit will be issued for affected lots until such a Highway Occupancy Permit has been secured.
- (4) The curb height at driveway and access drive entrances may be depressed to a minimum of one and one-half (1 1/2") inches for driveway and access drive entrances along streets where curbs are required. The maximum width of depressed curb height shall be twenty (20') feet for residential, with the exception of multi-family residential, driveways and thirty-five (35') feet for multi-family and non-residential access drives. Sidewalks across driveway and access drive entrances, where required, shall be constructed in accordance with the requirements in Section 606 herein.

f. Underdrain

- (1) Underdrain shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended, and as detailed on the Roadway Construction Standard Drawings (RC-30).

- (2) Combination storm sewer and underdrain shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended, and as detailed on the Roadway Construction Standard Drawings (RC-30).
- (3) Underdrains or combination storm sewer and underdrain shall be constructed where required by the Borough Engineer or the Borough Council.
- (4) Underdrain shall be installed and inspected by the Borough Engineer or his designated agent after completion of all work, just prior to the base course application.

Section 604. SEWER AND WATER SYSTEMS

1. Sewers

- a. The Developer shall provide the subdivision or land development with a complete sanitary sewerage system to be connected to the sanitary sewerage system in accordance with Municipal Authority and Borough specifications. The system shall be designed by a Registered Engineer and approved by the Municipal Authority Engineer. The Municipal Authority Engineer shall also inspect construction of all sanitary sewers to insure that said sewers will coordinate and have congruity with the Borough's overall comprehensive sewerage plan. All sewage pumping stations, interceptors and treatment plants to be installed by the Developer shall be reviewed and approved by the Municipal Authority Engineer, who shall inspect the construction thereof.
- b. Design, approval of design, supervision and inspection fees for services rendered on behalf of the Developer by the Municipal Authority Engineer shall be paid by the Developer in accordance with the fee schedule submitted to the Board by the Municipal Authority Engineer, which schedule shall be available for review in the Borough Office by any developer.
- c. Sanitary sewers and sewage disposal systems shall not be combined with storm water sewers, and shall not be constructed to receive effluent from any storm water collection system.

2. Water

- a. The Developer shall provide the subdivision or land development with a complete water main supply system to be connected to the existing or proposed water main supply system in accordance with Borough and/or Utility Specifications.

Section 605. CURBS

Where required, curbs shall be designed in accordance with Article V herein. All curbs shall be constructed to the grades and dimensions drawn on the plans, and typical sections submitted by the Applicant and approved by the Borough Council.

1. Curbs shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended, and as detailed on the Roadway Construction Standard Drawings (RC-64).
2. Rolled curbs will not be acceptable.
3. Curbs shall be constructed in accordance with the cross section details shown on approved drawings.
4. Curbs shall be set and finished to the line and grade as shown on approved drawings.
5. Backfill must be placed within forty-eight (48) hours after form removal and this backfill shall be compacted in place along the rear face to within six (6") inches of the top of the curb.
6. When curbing is to be removed to construct a driveway or access drive, the length of curbing to be removed shall be carried to the nearest expansion joint or saw cut if the joint is located more than five (5') feet from the end of the curb removal. Curb replacement shall be formed and shaped to the required driveway width. The driveway or access drive shall be depressed to a height of one and one-half (1 1/2") inches above the finished paving grade.
7. No partial breaking out of the curb shall be permitted without approval by the Borough Engineer or his designated agent.
8. Curbs shall be inspected by the Borough Engineer or his designated agent after the forms have been placed, just prior to the pouring of concrete and after completion of all work.

Section 606. SIDEWALKS

Where required, sidewalks shall be designed in accordance with Article V herein. All sidewalks shall be constructed to the grades and dimensions drawn on the plans, and typical sections submitted by the Applicant and approved by the Borough Council.

1. Sidewalks shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended except as provided by the York Springs Borough Sidewalk Construction Ordinance or as approved by the Borough Engineer.

Section 607. FIRE HYDRANTS

Wherever a public or community water supply system is provided, fire hydrants shall be installed within six hundred (600') feet of all existing and proposed structures, measured by way of accessible streets. Proposed locations for fire hydrant installations shall be reviewed by the Borough Fire Chief.

Section 608. STREET SIGNS

The subdivision or land development shall be provided with street signs to include but not be limited to, street name signs at all intersections, traffic control, directional and informational signs. Such signs shall conform to Pennsylvania Department of Transportation and Borough Specifications and shall be installed by the Developer in a manner specified by the Borough Engineer.

Section 609. STREET LIGHTS

1. Street lights shall be provided with the construction of all new streets. A plan for street lights, approved by the local utility company, shall be provided by the Applicant upon submission of final subdivision or land development plans.
2. Street lights shall be provided at locations designated by the local utility company, consistent with current policy, at all street intersections and all other locations considered necessary for safety reasons as approved by Borough Council.

Section 610. ELECTRIC AND TELEPHONE LINES

All electric and telephone service lines, including street lighting, shall be placed underground within any subdivision or land development of five or more lots and/or dwelling units.

ARTICLE VII

DRAINAGE AND STORMWATER MANAGEMENT

Section 701. PLAN CONTENT

The Drainage/Stormwater Management (hereafter referred to as D/SWM) Plan shall consist of maps and a narrative prepared under the direction of a professional engineer registered in Pennsylvania with experience in D/SWM. The D/SWM Plan shall include the following items:

1. A narrative including a general statement of the project, the date the project is expected to begin and end, a description of existing and proposed conditions, ownership and maintenance of facilities, and conclusions.
2. A 7 1/2 minute USGS topographic map, or equivalent, showing the project location and its total watershed(s), and additional maps, as necessary, to clearly show the delineation of all drainage areas, both on site and off site, used in all computations for all stormwater management facilities and all storm drainage facilities.
3. Project mapping showing existing and proposed facilities such as lots, streets, parking areas, drainage facilities, erosion control facilities, areas of cut and fill, limits of earth disturbance, and stormwater management facilities.
4. Project mapping showing existing and proposed topographic features as following:
 - a. contours at 2' intervals except in areas where the slope is greater than 15% in which case the contour interval shall be 5'.
 - b. boundary lines of the project area
 - c. drainage on the project and adjoining properties including floodplains, floodways, streams, lakes, ponds, and easements.
5. Calculations for all drainage and stormwater management facilities.

Section 702. DESIGN CRITERIA

1. General

The following design criteria are presented as the minimum acceptable standards available at the time this ordinance was adopted. [New and innovative procedures are encouraged] and shall be permitted on a case-by-case basis by the Borough Engineer.

2. Drainage

a. Design Storm

All drainage facilities shall be designed to safely convey the 10-year storm. More stringent criteria may be required where the above criteria will aggravate existing problems or create new problems.

b. Peak Flow

The Rational Method shall be used for drainage areas up to 1.5 sq. mi. However, extreme care should be used for watersheds with areas greater than 0.5 sq. mi, times of concentration greater than 60 minutes, or flow paths that include channel storage or diversions. For drainage areas greater than 0.5 sq. mi., other hydrologic methods should be considered such as the SCS Soil Cover-Complex method.

c. Rainfall

Design rainfall shall be determined using the Pennsylvania Department of Transportation Intensity-Duration-Frequency Curves for Region Four as follows:

- (1) Rational Method - The appropriate time of concentration and return period shall be used to determine the rainfall intensity.
- (2) Soil-Cover-Complex Method - The Soil Conservation Service Type II 24-hour rainfall distribution shall be used with the following rainfall depths:

<u>Return Period</u>	<u>24 Hour Rainfall Depth</u>
2-year	3.0 in.
10-year	4.6 in.
25-year	5.5 in.
100-year	7.4 in.

d. Runoff Coefficients

- (1) Runoff coefficients for the Rational method shall be determined using Table 1 in Appendix A.
- (2) Runoff curve numbers for the SCS Soil Cover-Complex Method shall be determined using the Table 2 in Appendix A.

e. Time of Concentration

The methods found in Chapter 3 of TR-55 (Reference 1) shall be used to compute times of concentration. The length of flow path for sheet flow shall not exceed 150 ft. and the length flow path for shallow concentrated flow shall not exceed 1,000 ft.

f. Allowable Spread of Water

The maximum allowable spread of water on streets is one-half of a travel lane.

g. Pipe Design

At a minimum, pipe capacities shall be computed using both the Manning Equation for full flow capacity and the Inlet Control Nomographs in Hydraulic Design Series 5 (Reference 2). For inlets, the maximum headwater elevation must be less than the top of grate or top of road. For culverts, the headwater/diameter ratio must be less than or equal to 1.25. Complete outlet control calculations shall be required for special circumstances such as high tailwater conditions, long runs of pipe, excessive bends and other losses, etc.

h. Inlet Spacing

The maximum spacing of inlets is 450 ft. On curbed sections, an inlet shall be placed at the low point on sag vertical curves with an inlet on each side of the low point at a distance not to exceed 100 ft. or where the grade is 0.2 ft. above the low point.

3. Stormwater

a. Design Storm

The maximum peak rate of runoff for the proposed conditions shall not exceed the maximum peak rate of runoff for the existing conditions for the 2-year, 10-year, and 25-year storms. More stringent criteria may be required where the above criteria will aggravate existing problems or create new problems.

b. Hydrographs

Hydrographs shall be calculated using the following methods:

<u>Drainage Area</u>	<u>Method</u>
Less Than 10 Acres	Modified Rational Method
10 to 20 Acres	Modified Rational Method or SCS Soil Cover-Complex Method
Greater than 20 acres	SCS Soil Cover-Complex Method

c. Rainfall

Refer to Section 802.2.c.

d. Runoff Coefficient

Refer to Section 802.2.d.

e. Time of Concentration

Refer to Section 802.2.e.

f. Routing

The design of the facility shall be verified by routing the proposed 2-, 10-, 25-, and 100-year hydrographs through the facility using the storage indication method or modified Puls method.

g. Emergency Spillway

An emergency spillway must be provided to safely pass the 100-year storm with one foot of freeboard between the maximum pool elevation and the top of the dam.

h. Riser Pipe

The riser pipe shall be designed to withstand buoyancy forces if it becomes clogged.

i. Fencing

Any ponds with slopes steeper than 3 to 1 shall be enclosed by a chain linked fence not less than four (4) feet in height.

j. Pond Bottom

The minimum slope of any surface on the bottom of any pond shall be 1.5%. Also, low-flow channels shall be constructed from any pipe or swale leading into the pond to the principal spillway.

k. Access

All facilities shall have access roads, gates, and easements where necessary.

Section 703. CONSTRUCTION STANDARDS

1. General

Following are the minimum acceptable construction standards. Other standards will be accepted on a case-by-case basis by the Borough Engineer.

2. Drainage and Stormwater

a. Pipe

- (1) Pipes shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended. (Reference 3)
- (2) Pipes, trenching and backfill shall be in accordance with RC-30 of Roadway Construction Standard Drawings. (Reference 4)
- (3) Pipe thickness and reinforcement shall be in accordance with approved engineering calculations. Minimum pipe gauge for C.M.P. shall be sixteen (16) gauge.
- (4) Pipe sizes shall be in accordance with that shown on approved drawings. Minimum pipe size for drainage facilities shall be fifteen (15") inches in diameter for on site collection. Pipes utilized for upstream conveyance of off-site flows shall have a minimum size of eighteen (18") inches.
- (5) Pipes shall be constructed and set to line and grade as shown on approved drawings.
- (6) Pipes shall be inspected by the Borough Engineer or his agent prior to backfilling.

b. Inlets

- (1) Inlets shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended, and as detailed on the Roadway Construction Standard Drawings (RC-34).
- (2) Inlet tops shall be precast concrete top units with a ten (10") inch hood or equivalent in order to place inlet in a two (2") sump condition, and shall be compatible with type of curbing installed.
- (3) All inlets shall have weep holes placed at the appropriate elevations to completely drain the subgrade prior to placing the base course and surface course.
- (4) Inlets shall be inspected by the Borough Engineer or his designated agent after completion of all work.

c. Manholes

- (1) Manholes shall be constructed in accordance with the specifications as set forth in the Pennsylvania Department of Transportation, Publication 408, as amended, and as detailed on the Roadway Construction Standard Drawings (RC-39).
- (2) Manholes shall be inspected by the Borough Engineer or his designated agent after completion of all work.

d. Miscellaneous Structures and Facilities

Miscellaneous structures and facilities shall be constructed in accordance with Pennsylvania Department of Transportation Publication 408 and Roadway Construction Standards where applicable.

Section 704. OTHER APPROVALS

Compliance with this Ordinance does not preclude the need to obtain other permits and approvals as required by the Borough, Adams County, the Adams County Conservation District, the Commonwealth of Pennsylvania, the Federal Government and other agencies. Other permits and approvals may include an Erosion and Sedimentation Pollution Control Plan, Earth Disturbance Permit, Water Obstruction and Encroachment Permit, Dam Safety Permit, Submerged Lands License Agreement, Sections 401 and 404 of the Clean Water Act, and others. The most stringent of all pertinent requirements shall apply.

Section 705. OWNERSHIP AND MAINTENANCE

Prior to the granting of final approval of the D/SWM by the Borough, the applicant shall either (1) provide for the dedication of the permanent facilities to the Borough or (2) have a written agreement providing for the ownership and maintenance of said facilities.

1. **Facilities Dedicated to Borough**

It shall be the Borough's responsibility to maintain any facilities that are dedicated to the Borough. Upon construction of the facilities which the developer or owner wishes to dedicate ownership to the Borough and before their acceptance by the Borough, the applicant shall provide to the Borough an amount determined by the Borough, which at a rate of 6% per annum, will provide sufficient interest income per year to cover the annual maintenance of such facilities, which the developer or owner wishes the Borough to accept for future maintenance.

Example:

Maintenance \$250.00 per year = \$4,166.67 deposit

Maintenance \$500.00 per year - \$8,333.33 deposit

Prior to the Borough approving the final D/SWM Plan upon which the facilities are shown for dedication to the Borough, the developer or owner shall provide to the Borough satisfactory surety as approved by the Borough Solicitor to ensure the payment of the said required maintenance amount at the completion of construction and prior to acceptance by the Borough Engineer.

2. **Facilities Maintained by Private Entity**

a. In cases where permanent facilities are owned by a private entity such as homeowners association, such entity shall be responsible for maintenance. In this case, a legally binding agreement between the entity and the Borough shall be made providing for maintenance for all permanent facilities, including the inspection by the Borough of all such facilities deemed critical to the public welfare, annually and after each major flood event.

b. If the Borough determines at any time that any facility has been eliminated, altered or improperly maintained, the entity shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the entity, the Borough may cause the work to be done and lien all costs against the entity.

3. **Facilities Maintained by Individual Lot Owners**

a. When the facilities are located on individual lots, and when they are the responsibility of that landowner to maintain, a description of the facility or system and the terms of their required maintenance shall be recorded with the deed to the property.

b. If the Borough determines at any time that any facility has been eliminated, altered or improperly maintained, the owner of the property shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the Borough may cause the work to be done and lien all costs against the property.

Section 706. WAIVERS

1. Any proposed activity regulated by or subject to the stormwater requirements of this ordinance which would create 10,000 square feet or less of additional impervious cover shall not be required to adhere to the stormwater provisions in Section 802.3.a. of this Article. Development which is planned to occur in stages or phases will be considered in its entirety for the purposes of determining exemption. Semi-pervious areas shall be considered as impervious for purposes of this exemption. Waivers shall not be provided for any diversion of watercourses or watersheds.

2. Where, owing to special conditions, a literal enforcement of the provisions of this Article will result in unreasonable hardship, the Borough, on the recommendation of the Borough Engineer and Zoning Officer, may make such reasonable variance thereto or waiver thereof as will not be contrary to the public interest and so that the spirit of this Article shall be observed and substantial justice done. A request for a variance or waiver shall be submitted in writing by the applicant to the Zoning Officer setting forth the grounds and all facts relied upon by the applicant.

ARTICLE VIII

FEES

Section 801. FILING

At the time of filing, all plats shall be accompanied by a check payable to the Borough of York Springs, in the amount specified herein, to defray the cost of reviewing the proposed plats and required data.

Section 802. FEE SCHEDULE

1. The Borough Council shall establish by resolution a Schedule of Fees to be paid by the subdivider at the time of filing a Minor, Preliminary or Final Plat.
2. The Schedule of Fees shall be posted in the Borough Office and in such other places as the Borough may designate.
3. No plat shall be considered by the Borough Council unless all fees and charges are paid in full.

Section 803. PROFESSIONAL CONSULTANT FEES

1. On or before the date on which the Preliminary or Final Plat is to be considered by the Borough Council, the Applicant shall pay by a check, payable to the Borough of York Springs, an amount sufficient to cover the costs of:
 - a. Plat review fees.
 - b. Inspecting the site layout for conformance with the plat.
 - c. Preparing cost estimates of required improvements (as applicable).
 - d. Inspecting required improvements during installation.
 - e. Final inspection upon completion of installation of required improvement.
 - f. Other engineering/planning verifications required by this Ordinance.
2. Such review fees are based upon a schedule established by Resolution # .

Section 804. OTHER FEES

1. Fees for all other permits required for and by the Borough for opening roads, building construction, etc. shall also be paid by a check payable to the Borough of York Springs.
2. The Applicant at the time of application shall agree to cover the cost of advertising the Ordinance accepting the deed of dedication of applicable required improvements and its recording costs.

ARTICLE IX

MODIFICATION OF REQUIREMENTS

Section 901.

The Borough Council, upon recommendation by the Planning Commission, may grant a modification of requirements of one (1) or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.

Section 902.

All requests for a modification of requirements shall be submitted in writing by the applicant and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.

Section 903.

In granting any modification of requirements the Borough Council shall record its action and the grounds for granting any modification to the applicant.

Section 904.

Whenever a request for a modification of requirements is denied, the Borough Council shall record its action and the grounds for such denial in its minutes. The Borough Council shall transmit a copy of its action and the grounds for such denial of any modification to the applicant.

ARTICLE X

ENFORCEMENT, AMENDMENTS, PENALTIES, SEVERABILITY AND REPEALER

Section 1001. ADMINISTRATION AND ENFORCEMENT

1. The Borough Council shall have the duty and authority for the administration and general enforcement of the provisions of this Ordinance, as specified or implied herein.

Officials of the Borough of York Springs having regulatory duties and authorities connected with or appurtenant to the subdivision, use or development of land shall have the duty and authority for the controlling enforcement of the provisions of this Ordinance, as specified or implied herein or in other Ordinances of the Borough.

2. Permits required by the Borough of York Springs for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to or use of the land, shall not be issued by any municipal official responsible for such issuance until it has been ascertained that the site for such building, alteration, improvement or use is contained in a subdivision or land development plat approved and publicly recorded in accordance with the provisions of this Ordinance.

Such permits shall be issued only after it has been determined that the site for such building, alteration, improvement or use conforms to the site description as indicated by the approved and recorded Final Plat or other land description acceptable in that it is in compliance with all applicable provisions of this Ordinance.

3. The Borough Zoning Officer shall require that the Sewage Module and/or applications for sewage disposal system permits contain all the information necessary to ascertain that the site for the proposed system is acceptable in accordance with the provisions of this Ordinance, the "Rules and Regulations of the Department of Environmental Resources", and the provisions of other applicable ordinances of the Borough.
4. The approval of a subdivision or land development plat or of any improvement installed, or the granting of a permit for the erection or use of a building or land therein, shall not constitute a representation, guarantee, or warranty of any kind or nature by the municipality or any official, employee, or appointee thereof, of the safety of any land, improvement, property or use from any cause whatsoever, and shall create no liability upon, or a cause of action against the municipality or such official, employee or appointee for any damage that may result pursuant thereto.

Section 1002. AMENDMENTS

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice as defined, and in accordance with the "Pennsylvania Municipalities Planning Code", Act 247, Article V, as amended.

Section 1003. PREVENTIVE REMEDIES

1. The Borough of York Springs shall 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 document used in the process of selling or transferring, shall not exempt the seller or transferrer from such penalties or from the remedies herein provided.

2. The Borough of York Springs shall 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 or real property in violation of this Ordinance herein. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - a. The owner of record at the time of such violation.
 - b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. 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 Borough shall require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 1004. JURISDICTION

District justices shall have initial jurisdiction in proceedings brought under Section 1105 herein.

Section 1005. ENFORCEMENT REMEDIES

1. Any person, partnership, or corporation who or which has violated the provisions of this Ordinance herein shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough of York Springs, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the 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 determining that there has been a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough of York Springs, the right to commence any action for enforcement pursuant to this section.

Section 1006. SEVERABILITY

1. If any section, clause, provision, or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not effect any other section, clause, provision or portion of these regulations. It hereby declared to be the intent of Borough of York Springs that this Ordinance would have been adopted if such invalid or unconstitutional section, clause, provision or portion had not been included herein.

Section 1007. REPEALER

1. Any Ordinance or part thereof inconsistent herewith is hereby repealed to the extent of such inconsistency.
2. Exhibits I-V as contained within this Ordinance are provided for illustrative purposes and shall not be construed to be a part of this adopted Ordinance. Such exhibits may be revised as needed.
3. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or legal proceeding now pending in any court, or any rights accrued or liability incurred, or any cause of action accrued or shall any right or remedy of any character be lost, impaired or affected.

ARTICLE XI

EFFECTIVE DATE AND ENACTMENT

Section 1102. EFFECTIVE DATE

This Ordinance shall take effect on the _____ day of _____, 19 ____.

ENACTED AND ORDAINED INTO AN ORDINANCE THIS _____ DAY OF _____, 19 ____.

Borough of York Springs
Adams County, Pennsylvania

ATTEST: _____
(Secretary)
(Municipal Seal)

(President)

(Mayor)

EXHIBIT I
SAMPLE CERTIFICATION AND DEDICATORY BLOCKS

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ADAMS

ON THIS THE ___ DAY OF _____ 19 __ BEFORE ME THE UNDERSIGNED PERSONALLY APPEARED

OWNER(S) _____

OWNER(S) _____

WHO BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THEY ARE THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN AND THAT THEY ACKNOWLEDGE THE SAME TO BE THEIR ACT AND DEED AND DESIRE THE SAME TO BE RECORDED AS SUCH ACCORDING TO LAW.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND DATE ABOVE WRITTEN,

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

IT IS HEREBY CERTIFIED THAT THE UNDERSIGNED ARE THE EQUITABLE OWNERS OF THE PROPERTY SHOWN ON THIS PLAT AND THAT ALL STREETS OR PARTS THEREOF, IF NOT PREVIOUSLY DEDICATED, ARE HEREBY TENDERED FOR DEDICATION TO PUBLIC USE.

OWNER(S) _____

OWNER(S) _____

OWNER(S) _____

OWNER(S) _____

I HEREBY CERTIFY THIS PLAN TO BE CORRECT AS SHOWN.

REGISTERED SURVEYOR
(Seal)
NAME OF SURVEYOR/ADDRESS

EXHIBIT II
SAMPLE PLAT APPROVAL BLOCKS

THIS PLAN REVIEWED BY THE ADAMS COUNTY PLANNING COMMISSION THIS ___ DAY OF _____
19 __

CHAIRMAN _____

SECRETARY _____

THIS PLAN REVIEWED BY THE YORK SPRINGS BOROUGH ENGINEER THIS ___ DAY OF _____ 19 _

BOROUGH ENGINEER _____

THIS PLAN RECOMMENDED FOR APPROVAL BY THE BOROUGH OF YORK SPRINGS PLANNING
COMMISSION THIS ___ DAY OF _____ 19 __

CHAIRMAN _____

SECRETARY _____

THIS PLAN APPROVED BY THE BOROUGH COUNCIL OF YORK SPRINGS THIS ___ DAY OF _____
19 __

PRESIDENT _____

SECRETARY _____

THIS PLAN RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR ADAMS COUNTY
THIS ___ DAY OF _____ 19 __

PLAN BOOK ___ VOLUME ___ PAGE ___

EXHIBIT III
SAMPLE TIME EXTENSION AGREEMENT
BOROUGH OF YORK SPRINGS

AGREEMENT TO EXTEND THE TIME FOR RENDERING
AND COMMUNICATING A DECISION ON CERTAIN
PRELIMINARY AND/OR FINAL SUBDIVISION/LAND DEVELOPMENT PLANS.

This Agreement made the __ day of _____ 19 __, by and between the Borough Council of the Borough of York Springs, Adams County, Pennsylvania, (hereinafter called "Governing Body") and _____ (hereinafter called "Developer").

WHEREAS, the Developer submitted a preliminary/final plan of subdivision/land development for a development known as _____ to the Borough on the __ day of _____, 19 __; and

WHEREAS, there are certain deficiencies, matters of incompleteness or other similar items by reason of which the Governing Body cannot approve said plan of subdivision/land development as more fully detailed in a letter delivered to Developer by the Governing Body dated the __ day of _____, 19 __, receipt of which is acknowledged by Developer; and

WHEREAS, the term within which the Governing Body must render a decision approving or disapproving said plan of subdivision/land development pursuant to the provisions of Section 508 of the Pennsylvania Municipalities Planning Code, as amended, expires the __ day of 19 __; and

WHEREAS, the Developer wishes to have an additional period of time within which to attempt to bring said plan of subdivision /land development into compliance with all applicable Borough ordinances and regulations;

NOW THEREFORE, in consideration of the above recitals and the covenants hereinafter contained. The parties hereto agree as follows:

1. Developer hereby agrees to an extension of the time within which the Governing Body must render a decision and communicate its decision relative to the above-mentioned plan of subdivision/land development to the Developer which extended time period shall expire the ___ day of _____ 19 __.

2. In consideration of the extension of time granted by Developer, the Governing Body agrees that it will not disapprove the plan of subdivision/land development submitted as aforesaid at this time as it would otherwise be bound to do; rather, the Governing Body agrees to consider the plan of subdivision/land development with such changes and corrections as the Developer shall make and to render a decision within the time as extended by this Agreement.

IN WITNESS WHEREOF, the parties intending to be legally bound have hereunto set their hands and seals the day and year first above written.

WITNESS:

Developer

Developer

Accepted by the Borough of York Springs

BY: _____

President

EXHIBIT IV
SAMPLE IRREVOCABLE LETTER OF CREDIT

BOROUGH OF YORK SPRINGS

IRREVOCABLE LETTER OF CREDIT NO. ____

At the request of _____, we hereby authorize the Borough of York Springs, Adams County, to draw on _____ up to an aggregate amount of _____ U.S. Dollars available by your drafts at sight accompanied by your written certification for the failure of _____ to complete improvements as required by the subdivision/land development plan of _____, dated _____, 19 __, and any related agreements between _____, and the Borough of York Springs, particularly the Agreement to Establish Security, dated _____, 19 __.

Such certification must enumerate the amount payable to you from the account of _____
_____. All drafts so drawn must be marked drawn under our credit number _____.

It is a condition of this Letter of Credit that it shall be deemed automatically extended without amendment for one year from the expiration date provided hereinafter unless thirty (30) days prior to such expiration date we shall notify you in writing by registered mail that we elect not to consider this Letter of Credit renewed for any such additional period. upon receipt by you of such notice, you may draw hereunder, without having incurred liability by reason of the failure of _____ to construct and install the improvements as required by the above identified plans, profiles and agreements, by means of your drafts on us, at sight, accompanied by your written certification that certain installation and construction work remains to be completed and the proceeds of your drafts will be retained and used by you to make any payments which you might thereafter be _____ to complete the construction and installation of said improvements, and further, that you will refund to us the amount paid, less any amounts which may have been paid by you for the construction and installation of said uncompleted improvements.

We engage with you that all drafts drawn under and in compliance with the terms of this credit will be duly honored on or before _____ or any automatically extended date, as herein before set forth. We confirm the credit and hereby undertake that all drafts, presented as above specified, will be duly honored by us.

We specifically agree that your drafts will be honored regardless of any objection made by _____ or any third party, even if said objections indicate that all the required improvements have been completed. In the event we refuse and fail to honor your drafts in violation of the foregoing we will be

responsible for reasonable attorney fees incurred by you in enforcing your right to payment under the terms hereof. It shall be the responsibility of _____ to resolve any disputes with the Borough of York Springs and payments on drafts will not be withheld as a result of any such disputes.

Very truly yours,

By _____
President or Vice President

ATTEST:

Secretary or Assistant Secretary

The Developer is aware of the contents of this letter of credit, understands the same, and agrees that the issuance of the same, subject to the conditions contained herein, effectively eliminates any right to object to payment of said drafts, although Developer retains all rights to take any legal or equitable action against the Borough of York Springs to recover the proceeds of said drafts so honored, to the extent that the Borough of York Springs is determined to be not entitled to the same, and/or has not refunded the same to _____.

By _____
President/Partner

EXHIBIT V
SAMPLE SECURITY AGREEMENT

THIS AGREEMENT made and entered into this ____ day of _____, 19__, by and between _____, hereinafter referred to as "DEVELOPER", and THE Borough of York Springs, Adams County, Pennsylvania, hereinafter called "Borough".

WHEREAS, Section ___ of Ordinance ___ provides as a prerequisite to receiving authorization to proceed to construct required improvements, the developer shall deposit with the Borough cash, a corporate bond or other security acceptable to the Borough in an amount sufficient to cover at least one hundred ten (110%) percent of the costs of construction of the subject improvements which amount shall be approved by the Borough engineers in writing prior to submission of the letter of credit, and which may be required and for such period of time as the Borough determines reasonable.

WHEREAS, the Developer has submitted final design plans a preliminary and final subdivision/land development plan known as _____ to the Borough which plan has been approved contingent upon the Developer's depositing security acceptable to the Borough to guarantee the installation of improvements shown thereon.

NOW, THEREFORE, it is hereby agreed between the Developer and the Borough as follows:

1. The owners, at their sole expense, will construct and install the improvements required by the final design plans for the preliminary and final subdivision/land development plan of the development known as _____ and by accompanying engineering drawings identified as follows:

2. Said improvements shall be constructed and installed by _____.
Time of the completion of the said improvements shall be of the essence unless extended by mutual agreement of the parties in writing.

3. The Borough engineers, after submission of the developer's plans and information, have determined that the amount of sufficient security for the construction and installation of said improvements

shall be _____ Dollars, determined as follows:

4. Upon execution of this Agreement the developer shall deposit with the Borough an irrevocable letter of credit in the amount of at least _____ having an expiration date of no earlier than _____. Said irrevocable letter of credit shall be issued by a suitable banking institution acceptable to the Borough, shall refer to the within Agreement and otherwise shall be acceptable to the Borough and in a form generally as that attached hereto and marked Exhibit "IV".

5. Immediately after execution of this Agreement and receipt by the Borough of the letter of credit, the Borough shall authorize the developer to proceed with the construction of the improvements provided the developer complies with the requirements of all other pertinent Borough Ordinances.

6. Upon completion of the improvements in accordance with the procedure of Section 510 of the Pennsylvania Municipalities Planning Code, as amended and supplemented, and with the provisions of Ordinance __, the Borough shall release said security.

7. Prior to acceptance of the improvements by the Borough, the developer shall post a maintenance bond or letter of credit in favor of the Borough. This guarantee shall be in an amount not less than 15% of the original improvement guarantee and shall bear a term of 18 months. At the end of the 18 month period, the Borough Engineer or his designated representative shall inspect the improvements to ascertain their condition prior to release of the maintenance guarantee. If any repairs are deemed necessary at this time, as a result of this inspection, the developer shall make all required repairs as soon as possible. In the event the developer refuses to make the repairs or is financially unable to do so, the Borough shall invoke the provisions of the maintenance guarantee and use the proceeds thereof to complete the repair.

IN WITNESS WHEREOF, the parties aforesaid have hereunto set their hands and seals the day and year first above written.

WITNESS:

By: _____
BOROUGH COUNCIL
BOROUGH OF YORK SPRINGS
ADAMS COUNTY,
PENNSYLVANIA

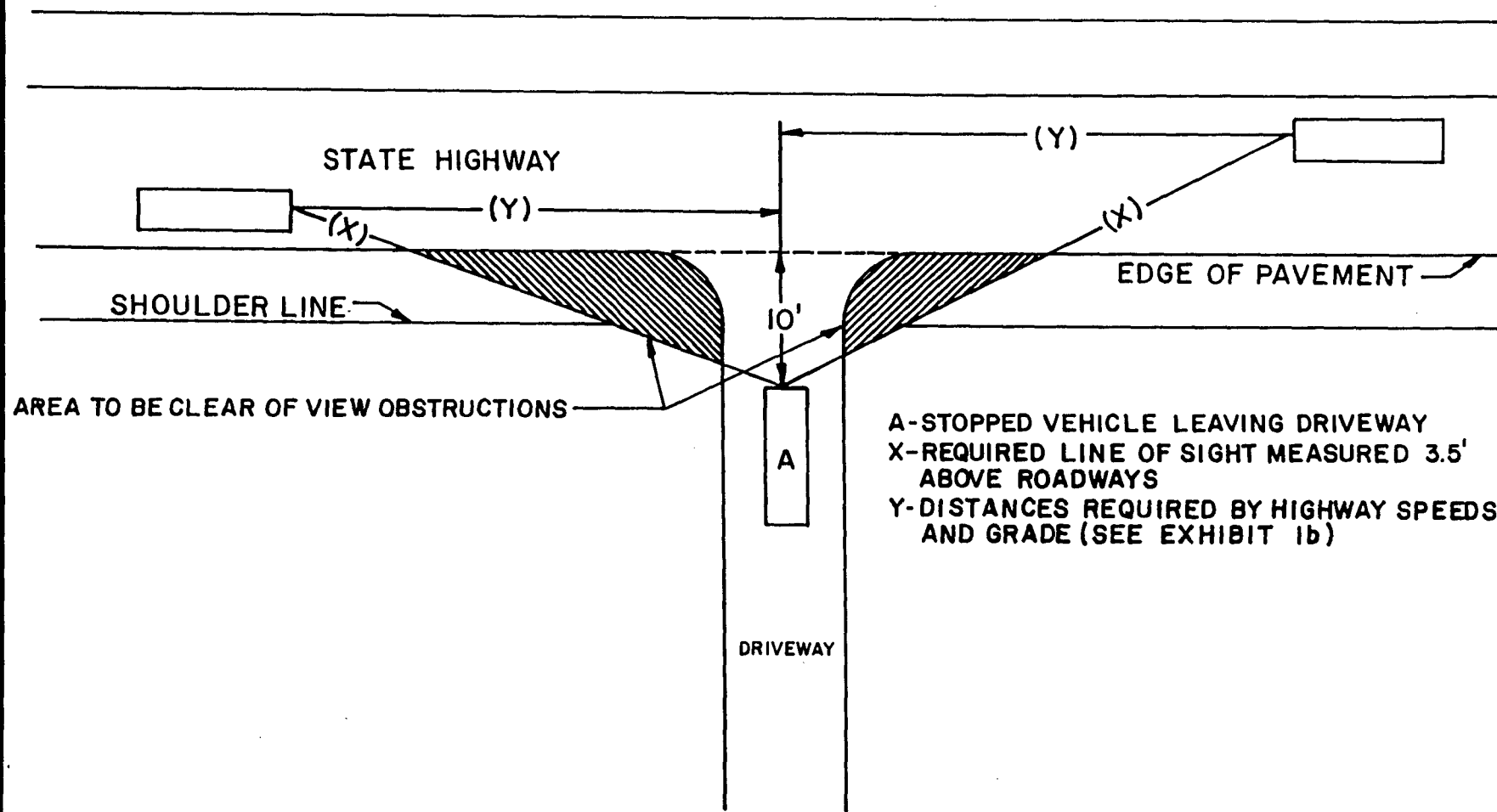
By: _____
PRESIDENT OR VICE PRESIDENT
DEVELOPER

ATTEST:

SECRETARY OR ASSISTANT SECRETARY

HRG

EXHIBIT 6A



AREA TO BE CLEAR OF VIEW OBSTRUCTIONS

A - STOPPED VEHICLE LEAVING DRIVEWAY
X - REQUIRED LINE OF SIGHT MEASURED 3.5'
ABOVE ROADWAYS
Y - DISTANCES REQUIRED BY HIGHWAY SPEEDS
AND GRADE (SEE EXHIBIT 1b)

DATE
SCALE
PROJECT
SHEET
OF

HRG

EXHIBIT 6b

- REFERENCE: 1.) 1984 AASHTO Green Book Chapter 3
 2.) Pub. 201 Chapter 201 "1982"
 3.) PA Code Title 67 Chapter 441 "1982"

$$\text{MINIMUM SAFE STOPPING SIGHT DISTANCE} = 1.47Vt + \frac{V^2}{30(F \pm G)}$$

		G = HIGHWAY GRADE IN %													
		+0	+1	+2	+3	+4	+5	+6	+7	+8	+9	+10	+11	+12	+13
		-0	-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11	-12	-13
V	15	80'	79'	79'	78'	77'	77'	76'	75'	75'	74'	74'	73'	73'	73'
		80'	81'	82'	83'	84'	85'	86'	88'	89'	91'	93'	95'	97'	99'
=	20	118'	117'	115'	114'	113'	112'	111'	110'	109'	108'	107'	106'	105'	105'
		118'	119'	121'	123'	125'	127'	129'	131'	134'	137'	140'	144'	148'	152'
S	25	161'	159'	157'	155'	153'	151'	150'	148'	147'	145'	144'	143'	141'	140'
		161'	164'	166'	170'	172'	175'	179'	182'	187'	181'	196'	202'	208'	214'
P	30	210'	207'	204'	201'	198'	196'	194'	191'	189'	187'	185'	183'	182'	180'
		210'	214'	217'	221'	226'	230'	235'	241'	247'	253'	260'	268'	277'	287'
E	35	265'	260'	256'	252'	249'	245'	242'	239'	236'	233'	231'	228'	226'	224'
		265'	269'	274'	280'	286'	292'	299'	306'	314'	323'	333'	344'	355'	369'
D	40	325'	319'	314'	309'	304'	300'	295'	291'	287'	284'	280'	278'	274'	271'
		325'	331'	337'	345'	352'	360'	369'	379'	390'	401'	414'	428'	443'	461'
(MPH)	45	390'	365'	376'	370'	364'	358'	353'	348'	343'	339'	334'	330'	326'	322'
		390'	398'	406'	415'	425'	435'	447'	459'	471'	487'	503'	521'	540'	562'
	50	462'	453'	444'	436'	429'	421'	415'	409'	403'	397'	392'	388'	382'	378'
		462'	471'	481'	492'	504'	517'	531'	547'	563'	581'	600'	622'	647'	674'
	55	538'	527'	517'	508'	499'	490'	482'	475'	467'	461'	454'	448'	442'	437'
		538'	550'	562'	576'	590'	605'	622'	641'	660'	682'	706'	733'	762'	795'
	60	621'	608'	596'	584'	573'	563'	554'	545'	536'	528'	521'	513'	506'	500'
		621'	634'	649'	665'	682'	701'	721'	742'	766'	792'	821'	852'	887'	926'

DATE _____
 SCALE _____
 PROJECT _____
 SHEET _____
 OF _____

APPENDIX A

Table 1 - Runoff Coefficients for the Rational Method

Hydrologic Soil Group and Slope Range

Land Use	A			B			C			D		
	0-2%	2-6%	6+%	0-2%	2-6%	6+%	0-2%	2-6%	6+%	0-2%	2-6%	6+%
Cultivated Land	0.08 ^a	0.13	0.16	0.11	0.15	0.21	0.14	0.19	0.26	0.18	0.23	0.31
	0.14 ^b	0.18	0.22	0.16	0.21	0.28	0.20	0.25	0.34	0.24	0.29	0.41
Pasture	0.12	0.20	0.30	0.18	0.28	0.37	0.24	0.34	0.44	0.30	0.40	0.50
	0.15	0.25	0.37	0.23	0.34	0.45	0.30	0.42	0.52	0.37	0.50	0.62
Meadow	0.10	0.16	0.25	0.14	0.22	0.30	0.20	0.28	0.36	0.24	0.30	0.40
	0.14	0.22	0.30	0.20	0.28	0.37	0.26	0.35	0.44	0.30	0.40	0.50
Forest	0.05	0.08	0.11	0.08	0.11	0.14	0.10	0.13	0.16	0.12	0.16	0.20
	0.08	0.11	0.14	0.10	0.14	0.18	0.12	0.16	0.20	0.15	0.20	0.25
Residential 1/8 Acre	0.25	0.28	0.31	0.27	0.30	0.35	0.30	0.33	0.38	0.33	0.36	0.42
	0.33	0.37	0.40	0.35	0.39	0.44	0.38	0.42	0.49	0.41	0.45	0.54
1/4 Acre	0.22	0.26	0.29	0.24	0.29	0.33	0.27	0.31	0.36	0.30	0.34	0.40
	0.30	0.34	0.37	0.33	0.37	0.42	0.36	0.40	0.47	0.38	0.42	0.52
1/3 Acre	0.19	0.23	0.26	0.22	0.26	0.30	0.25	0.29	0.34	0.28	0.32	0.39
	0.28	0.32	0.35	0.30	0.35	0.39	0.33	0.38	0.45	0.36	0.40	0.50
1/2 Acre	0.16	0.20	0.24	0.19	0.23	0.28	0.22	0.27	0.32	0.26	0.30	0.37
	0.25	0.29	0.32	0.28	0.32	0.36	0.31	0.35	0.42	0.34	0.38	0.48
1 Acre	0.14	0.19	0.22	0.17	0.21	0.26	0.20	0.25	0.31	0.24	0.29	0.35
	0.22	0.26	0.29	0.24	0.28	0.34	0.28	0.32	0.40	0.31	0.35	0.46
Industrial	0.67	0.68	0.68	0.68	0.68	0.69	0.68	0.69	0.69	0.69	0.69	0.70
	0.85	0.85	0.86	0.85	0.86	0.86	0.86	0.86	0.87	0.86	0.86	0.88
Commercial	0.71	0.71	0.72	0.71	0.72	0.72	0.72	0.72	0.72	0.72	0.72	0.72
	0.88	0.88	0.89	0.89	0.89	0.89	0.89	0.89	0.90	0.89	0.89	0.90
Streets	0.70	0.71	0.72	0.71	0.72	0.74	0.72	0.73	0.76	0.73	0.75	0.78
	0.76	0.77	0.79	0.80	0.82	0.84	0.84	0.85	0.89	0.89	0.91	0.95
Open Space	0.05	0.10	0.14	0.08	0.13	0.19	0.12	0.17	0.24	0.16	0.21	0.28
	0.11	0.16	0.20	0.14	0.19	0.26	0.18	0.23	0.32	0.22	0.27	0.39
Parking	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87
	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97	0.95	0.96	0.97

a = Runoff coefficients for storm recurrence intervals less than 25 years

b = Runoff coefficients for storm recurrence intervals of 25 years or more

Source: Rawls, W.J., S.L. Long, and R.H. McCuen, 1981. Comparison of Urban Flood Frequency Procedures. Preliminary Draft Report prepared for the Soil Conservation Service, Beltsville, Maryland.

APPENDIX A

Table 2-2a. - Runoff Curve Numbers for Urban Areas¹

Cover description		Curve numbers for hydrologic soil group—			
Cover type and hydrologic condition	Average percent impervious area ²	A	B	C	D
<i>Fully developed urban areas (vegetation established)</i>					
Open space (lawns, parks, golf courses, cemeteries, etc.) ³ :					
Poor condition (grass cover < 50%)		68	79	86	89
Fair condition (grass cover 50% to 75%).....		49	69	79	84
Good condition (grass cover > 75%)		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)					
		98	98	98	98
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way).....					
		98	98	98	98
Paved; open ditches (including right-of-way)					
		83	89	92	93
Gravel (including right-of-way)					
		76	85	89	91
Dirt (including right-of-way)					
		72	82	87	89
Western desert urban areas:					
Natural desert landscaping (pervious areas only) ⁴ ...					
		63	77	85	88
Artificial desert landscaping (impervious weed barrier, desert shrub with 1- to 2-inch sand or gravel mulch and basin borders)					
		96	96	96	96
Urban districts:					
Commercial and business.....					
	85	89	92	94	95
Industrial.....					
	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (town houses).....					
	65	77	85	90	92
1/4 acre					
	38	61	75	83	87
1/3 acre					
	30	57	72	81	86
1/2 acre					
	25	54	70	80	85
1 acre					
	20	51	68	79	84
2 acres					
	12	46	65	77	82
<i>Developing urban areas</i>					
Newly graded areas (pervious areas only, no vegetation) ⁵					
		77	86	91	94
Idle lands (CN's are determined using cover types similar to those in table 2-2c).					

¹Average runoff condition, and $I_n = 0.2S$.

²The average percent impervious area shown was used to develop the composite CN's. Other assumptions are as follows: impervious areas are directly connected to the drainage system, impervious areas have a CN of 98, and pervious areas are considered equivalent to open space in good hydrologic condition. CN's for other combinations of conditions may be computed using figure 2-3 or 2-4.

³CN's shown are equivalent to those of pasture. Composite CN's may be computed for other combinations of open space cover type.

⁴Composite CN's for natural desert landscaping should be computed using figures 2-3 or 2-4 based on the impervious area percentage (CN = 98) and the pervious area CN. The pervious area CN's are assumed equivalent to desert shrub in poor hydrologic condition.

⁵Composite CN's to use for the design of temporary measures during grading and construction should be computed using figure 2-3 or 2-4, based on the degree of development (impervious area percentage) and the CN's for the newly graded pervious areas.

APPENDIX A

Table 2-2c. -Runoff Curve Numbers for Other Agricultural Lands¹

Cover description		Curve numbers for hydrologic soil group—			
Cover type	Hydrologic condition	A	B	C	D
Pasture, grassland, or range—continuous forage for grazing. ²	Poor	68	79	86	89
	Fair	49	69	79	84
	Good	39	61	74	80
Meadow—continuous grass, protected from grazing and generally mowed for hay.	—	30	58	71	78
Brush—brush-weed-grass mixture with brush the major element. ³	Poor	48	67	77	83
	Fair	35	56	70	77
	Good	30	48	65	73
Woods—grass combination (orchard or tree farm). ⁵	Poor	57	73	82	86
	Fair	43	65	76	82
	Good	32	58	72	79
Woods. ⁶	Poor	45	66	77	83
	Fair	36	60	73	79
	Good	30	55	70	77
Farmsteads—buildings, lanes, driveways, and surrounding lots.	—	59	74	82	86

¹Average runoff condition, and $I_a = 0.2S$.

²*Poor*: < 50% ground cover or heavily grazed with no mulch.

Fair: 50 to 75% ground cover and not heavily grazed.

Good: > 75% ground cover and lightly or only occasionally grazed.

³*Poor*: < 50% ground cover.

Fair: 50 to 75% ground cover.

Good: > 75% ground cover.

⁴Actual curve number is less than 30; use CN = 30 for runoff computations.

⁵CN's shown were computed for areas with 50% woods and 50% grass (pasture) cover. Other combinations of conditions may be computed from the CN's for woods and pasture.

⁶*Poor*: Forest litter, small trees, and brush are destroyed by heavy grazing or regular burning.

Fair: Woods are grazed but not burned, and some forest litter covers the soil.

Good: Woods are protected from grazing, and litter and brush adequately cover the soil.