

AN ORDINANCE REGULATING SUBDIVISION
AND LAND DEVELOPMENT IN FAWN GROVE BOROUGH
YORK COUNTY, PENNSYLVANIA

WHEREAS, this Ordinance sets forth rules, regulations, and standards regulating the Subdivision and Land Development within Fawn Grove Borough, York County, Pennsylvania, pursuant to the authority granted in Article V of the Pennsylvania Municipalities Planning Code (Act 247) as enacted establishing the procedure to be followed by the Fawn Grove Borough Planning Commission and the Fawn Grove Borough Council in the application and administration of said rules, regulations and standards, and providing penalties for the violation thereof.

NOW, THEREFORE, it is hereby ordained by the Council of Fawn Grove Borough, a Borough, of York County, Pennsylvania, as follows:

ARTICLE I

Name and Purpose

Section 101. Name:

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

Section 102. Purpose:

The purpose of these regulations is to provide for the harmonious development of Fawn Grove Borough by:

- a. Assisting in the orderly and efficient integration of subdivisions within the Borough.
- b. Ensuring conformance of subdivision plans with public improvement plans.
- c. Ensuring coordination of intermunicipal public improvement plans and programs.
- d. Securing the protection of water resources and drainage-ways.
- e. Facilitating the efficient movement of traffic.
- f. Securing equitable handling of all subdivision plans by providing uniform standards and procedures.

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

h. Strengthening and stabilizing the tax base of the Borough.

i. Promoting the health, safety, morals and welfare of the citizens of Fawn Grove.

ARTICLE II

Jurisdiction and Authority

Section 201. Jurisdiction:

No subdivision of any lot, tract or parcel of land shall be affected, no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of these regulations.

Section 202. Authority:

- a. Authority of the Borough Planning Commission: The Fawn Grove Borough Planning Commission, hereinafter referred to as the Planning Commission, shall be vested with the control of Subdivision and Land Development as granted by Article V, Section 501 of the Pennsylvania Municipalities Planning Code.
- b. Authority of the Borough Council: The Fawn Grove Borough Council, hereinafter referred to as the Council, shall be vested with the authority to approve or disapprove all Subdivision and Land Development plans as granted by Article V, Sections 501 and 508 of the Pennsylvania Municipalities Planning Code.
- c. Authority of the County Planning Commission: Plans for Subdivision and Land Development located with Fawn Grove Borough shall be submitted to the York County Planning Commission for review and report as required by Section 502 of the Pennsylvania Municipalities Planning Code. Said submission shall take place before final approval of any plans by the municipality. However, if a report is not received from the County Planning Commission within thirty (30) days after submission by the municipality may proceed without the report.

ARTICLE III

Definitions

Section 301. Intent:

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

Section 302. General Usage:

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

Section 303. Specific Words and Phrases:

Agent - Any person, other than the subdivider, who, acting for the subdivider submits to the Planning Commission and Borough Council subdivision plans for the purpose of obtaining approval thereof.

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

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

Block - An area bounded by streets.

Cartway - The surface of the roadway available for vehicular traffic.

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 centerlines of both streets.

Common Open Space - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas, and areas set aside for public facilities, Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents.

Comprehensive Plan - The plan, or parts thereof, if any, which have been adopted by the Fawn Grove Borough Council; showing its recommendations for such systems as: parks and recreation facilities, water supply, sewerage and sewage disposal, garbage disposal, transportation, highways, civic centers and other public improvements which affect the development of the Borough.

Corner Lot - A lot abutting upon two streets at their intersection.

Crosswalk - A right of way, municipally or privately owned, at least twelve (12) feet wide, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

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

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

Curb line - The outside edge of the cartway.

Development Plan - The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities.

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

Double Frontage Lot - A lot fronting on two streets other than a corner lot.

Drainage Facility - Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of diverting surface waters

from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

Driveway - A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

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

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

Flood Plain or Floodway Area - That geographic area located at the shore line or water's edge which is subject to periodic flooding.

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

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

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

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

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

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

Land Development The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, building groups or other features, a division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings means of, or for the purpose of streets, common areas, leaseholds, building groups or other features, a division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such person, partnership or corporation.

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 having a remaining term of not less than forty years, or other person having a proprietary interest in land.

Location Map - A map showing the site with relation to adjoining areas.

Lot - A plot or parcel of land which is, or in the future, may be offered for sale, conveyance, transfer or improvement as one parcel, regardless of the method or methods in which title was acquired.

Lot Area - The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding any area within a street right-of-way, but including the area of any easement.

Lot Width - the Width of a lot measured at the building setback line.

Marginal Access Street - Minor streets, parallel and adjacent to major traffic streets providing access to abutting properties and control of intersections with the major traffic street.

Mobile Home - A single family dwelling designed for transportation after fabrication on streets and highways on its own wheels or on flat bed or other trailers and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like. Not to include mobile dwelling units.

Mobile Home Park - Any lot, parcel, tract, or contiguous tracts or lots, whether or not separated by public or private roads, and whether or not separated by parcels adversed from the original tract or parcel, owned by the same person or persons or corporation, (for this purpose any person shall be considered to own all tracts or lots owned by himself, his spouse, or by a corporation or partnership in which he and/or his spouse together own at least fifty (50%) of the outstanding voting stock of the corporation or at least fifty (50%) percent of the ownership equity in the partnership, and. designed, maintained, or used for the purpose of supplying a location or accommodation for two or more mobile homes, or upon which two or more mobile homes are parked or located; and the owner of the property

in question receives consideration directly or indirectly for the use of the space occupied by the mobile home; and shall include all buildings and structures used or intended for use as a part of the equipment thereof. The term "mobile home park" shall not include any automobile, mobile home, or trailer sales lot on which any unoccupied mobile home is parked for the purpose of inspection and sale and shall not include a mobile home occupied by a family headed by an individual employed as a farm worker on a full-time basis by the owner of the property in question.

Multiple Dwelling Building - A building providing separate living quarters for two or more families.

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

Performance Bond - An agreement by and between a contractor and a bonding company in favor of the subdivider and the Township Board of Supervisors guaranteeing the completion of physical improvements.

Planned Residential Development - An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of a municipal zoning ordinance.

Plan, Preliminary - A tentative subdivision plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

Plan, Final - A complete and exact subdivision plan, prepared as- for official recording, to define property rights and proposed streets and other improvements.

Plan, Record - An exact copy of the approved final plan on opaque linen of standard size prepared for necessary signatures and recording with the York County Recorder of Deeds.

Plat - The map or plan of a subdivision or land development, whether preliminary or final.

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

Reverse Frontage Lot - A lot extending between and having frontage on a major street and a minor street with vehicular access solely from the latter.

Right-of-way - Land opened for use as a street, alley, or crosswalk.

Setback or Building Lien - The horizontal distance between a structure and property or street line.

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

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

Setback, Side - The distance between the side lot line and the side building line. Commonly called "side yard".

Street - A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified as follows:

a) Arterial Street; Highway - A street or road which is used primarily for fast or heavy traffic including all roads classified as main and secondary highways by the Pennsylvania Department of Transportation.

b) Collector Street - A street which carries traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets within such a development.

c) Minor Street - A street which is used primarily for access to the abutting properties.

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

Subdivision - The division or redivision of a tract of land by any means into two or more lots, tracts, parcels or other divisions of land for immediate or future lease, transfer of ownership, or building or lot development of at

least one of' the lots, tracts or parcels; provided, however, that in determining whether there has been a division into two or more lots, tracts, parcels or other divisions, lots, tracts or parcels to be used exclusively for agricultural purposes (for this purpose the existence or proposed existence of dwelling units occupied by families headed by a full-time farm worker shall not cause a tract to be considered used for other than exclusively agricultural purposes) , containing more than ten (10) acres and not involving any new street or easement of access shall be excluded and in making such determination, all lots, tracts or parcels which on June 15, 1964 , were owned by the same land owner as the tract of land being divided and contiguous to such tract (land shall be considered contiguous even though separated by public or private roads) shall be included.

Tract - All contiguous land owned by the same land owner and all land owned by the same land owner which is contiguous except for the presence of public or private roads and/or the presence of lots or parcels adversed from the original tract since June 15, 1964.

Undeveloped land - Land in parcels sufficiently large for future subdivision which is presently in agriculture, woodland or lying fallow.

Variance - The granting of an exception to these regulations which in the opinion of the Borough will not be detrimental to the general welfare, impair the intent of those regulations or conflict with the Com- prehensive Plan if' one has been adopted.

Wharf or Dock Lien - A structure or group of structures built along and generally perpendicular to the shore line of a body of water providing loading and unloading facilities for boats.

d. One copy to the Township Engineer for review of engineering requirements.

e. One copy transmitted to the York County Planning Commission for review as required by Section 502 of the Pennsylvania Municipalities Planning Code.

f. One copy to the Borough Secretary accompanied by written recommendations of the Planning Commission.

g. One copy to all affected public utilities who shall be requested to make recommendations as to the suitability of installing underground telephone and electric lines.

402. 2 Supporting Data Required with the Preliminary Plan:

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

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

If connection to an existing sewerage system is not deemed feasible, the possibility of constructing a separate sewerage system and treatment works shall be investigated. The study shall include the location of treatment facilities, receiving stream, type and degree of treatment and design capacity.

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

In all cases where on-site sewage disposal systems are proposed; regardless of the number of lots in the proposed subdivision, the subdivider shall submit certification from the Department of Environmental Resources that the lots as designed are suitable for on-site sewage disposal by means of septic tanks.

The Planning Commission will approve on-lot individual subsurface sewage disposal systems only when the Feasibility Report indicates:

a. Justification of the project necessitates consideration of this method.

b. The soil absorption is satisfactory for this type of system.*

c. Such systems will not endanger groundwater supplies below the level of the absorption system.

d. The systems will not be installed in creviced rocks or limestone formations.

402.3 Planning Commission Review of the Preliminary Plan:

Upon receipt of data required by this Ordinance, the Planning Commission shall review the Preliminary Plan with reference to the following:

- a. The standards and requirements of this Ordinance.
- b. The recommendations of the Borough engineer.
- c. The recommendations received from the York County Planning Commission.
- d. The recommendations received from the Pennsylvania Department of Environmental Resources.
- e. The recommendations received from the Pennsylvania Department of Transportation.
- f. The recommendations of affected public utilities.
- g. The Comprehensive Plan of Fawn Grove Borough if one has been adopted.

402.4 Planning Commission Decision Concerning the Preliminary Plan

Within forty (40) days of receipt of the Preliminary Plan, the Planning Commission shall approve, approve conditionally, or disapprove said Preliminary Plan as submitted. Such action shall take place at a regular public meeting of the Planning Commission.

The subdivider and the Borough Secretary shall be notified in writing as to the action taken by the Planning Commission. If approved conditionally, said changes and/or additions to the Preliminary Plan shall be noted in the letter to the subdivider and the Borough Secretary. It will be necessary for the subdivider to conform to said conditions

* The soil absorption tests shall be performed in accordance with the regulations of the Pennsylvania Sewage Facilities Act and shall be certified by a Sanitarian of the Pennsylvania Department of Environmental Resources.

before the Final Plan may be submitted for review and approval by the Planning Commission.

If the subdivider makes substantial changes in his Preliminary Plans after they have been approved in preliminary form, such revised plans shall be treated as Preliminary plans when resubmitted.

If the Preliminary Plan is disapproved, reasons for such action shall be noted in the letter to the subdivider and Borough Secretary.

402.5 Approval of the Preliminary Plan by the Borough Council

Following formal action by the Planning Commission, the Preliminary Plan and any recommendations shall be transmitted to the Borough Secretary. If the Township Supervisors do not receive the Planning Commission's recommendations within forty (40) days of the initial submission of the Preliminary Plan, such Plan shall be considered as receiving favorable review and recommendations from the Planning Commission.

The Borough Council shall act on any Preliminary Plan within forty (40) days of it being received from the Planning Commission. Failure of the Borough Council to render a decision and communicate it to the subdivider within the time and in the manner required shall be deemed as approval of the Preliminary Plan unless the sub divider has agreed in writing to an extension of time 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 .

The Borough Council may approve the Plan in whole or in part, or subject the Plan to modifications or conditions, or may disapprove the Plan. The decision of the Borough Council shall be in writing and shall be communicated to the subdivider personally or mailed to him at his last known address not later than five (5) days following the decision.

When a Preliminary Plan is not approved in terms as filed, the decision shall specify the defects found in the Plan and describe the requirements which have not been met, and in each case, cite to the provisions of the statute or ordinance relied upon.

In the event the Preliminary Plan covers but a portion of the subdivider's tract, an additional drawing showing the proposed street system, public spaces, and other features which will be pertinent to the development of the entire tract shall be submitted to the Planning Commission as supporting documentation with the Preliminary Plan.

402.6 Effect of Approval of Preliminary Plan:

Approval of the Preliminary Plan by the Planning Commission and the Borough Council constitutes conditional approval of the subdivision as to the character and intensity of development, the general layout, and the approximate dimensions of streets, lots, and other planned features. This approval binds the subdivider to the general scheme shown on the Preliminary Plan.

Approval of the Preliminary Plan shall not constitute approval of the Final Subdivision Plan, nor does it authorize recording of the Preliminary Plan or the sale of any lots, however, such approval does authorize the subdivider to proceed with the preparation of the Final Plan, installation and/or construction of improvements or posting of a bond guarantee as specified in Article IV, Section 403.3 of this Ordinance.

Section 403. Submission of Final Plan:

Ten (10) days prior to a regularly scheduled meeting of the Planning Commission, the subdivider shall submit seven (7) copies of the Final Plan to the Secretary of the Planning Commission. The Final Plan shall be drawn by a Registered Surveyor or a Registered Professional Engineer licensed as such in the Commonwealth of Pennsylvania. Submission of the Final Plan shall take place within three (3) years after the approval of the Preliminary Plan by the Borough Council. If the subdivider does not submit the Final Plan during that time, the approved Preliminary Plan becomes null and void. However, the subdivider may, due to extenuating circumstances, apply for and receive a time extension from the Borough Council upon recommendation of the Planning Commission.

403.1 Planning Commission Referrals:

The Planning Commission may submit copies of the Final Subdivision Plan and supporting data to other official public agencies, and shall return the Plan to the subdivider either approved, or with recommendations for changes necessary for approval.

a. One copy shall be retained by the Secretary of the Planning Commission for record.

b. One copy transmitted to the Pennsylvania Department of Environmental Resources for review and mapping of the proposed utilities system.

c. . One copy transmitted to the local office of the Pennsylvania Department of Transportation for review and mapping of dedicated streets.

- d. One copy to the Borough Engineer for review of Engineering requirements.
- e. One copy transmitted to the York County Planning Commission as required by Section 202 of this Ordinance.
- f. One copy to the Borough Secretary accompanied by written recommendations of the Planning Commission.
- g. One copy to all affected public utilities who shall be requested to make recommendations as to the suitability of installing underground telephone and electric lines.

403.2 Planning Commission Review of the Final Plan:

The Planning Commission shall review the Final Plan with reference to the following:

- a. The standards and requirements of this Ordinance.
- b. Other pertinent data including engineering plans, maps, profiles, documents and specifications and conditions which were agreed upon at the time of the Preliminary Plan review.
- c. The Comprehensive Plan of Fawn Grove Borough if one has been adopted.

403.3 Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval:

No Plan shall be finally approved the Planning Commission and the Borough Council unless the streets shown on the Plan have been improved and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements have been installed and completed in accordance with this Ordinance. All improvements shall be made according to specifications provided herein.

In lieu of provisions for the required improvements, the Borough Council visors may accept a performance guarantee from the subdivider to insure construction and installation of the required improvements following approval of the Final Plan.

403.4 Performance Guarantee or Posting:

The performance guarantee must be approved by the Borough Council with the advice of the Borough Solicitor and Borough Engineer and shall be:

- a. A bond, certified check, or other satisfactory security.

- b. Payable to Fawn Grove Borough.
- c. In an amount sufficient to complete the improvements in compliance with these regulations.
- d. Specify a satisfactory completion date for the improvements.

403.5 Release from Improvement Bond:

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

The Borough Council shall notify the subdivider, in writing by certified or registered mail of the action of said municipal governing body with relation thereto.

If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have approval and the subdivider shall be released from all liability, pursuant to its performance guarantee bond.

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

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

403.6 Remedies to Effect Completion of Improvements:

In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plat, the Borough Council is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at their option, install part of such Improvements in all or part of' the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the subdivider, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

403.7 Planning Commission Decision Concerning the Final Plan:

Within forty (40) days of the receipt of the Final Plan, the Planning Commission shall decide to approve, approve conditionally, or disapprove, said Final Plan as submitted. Such action shall take place at a regular meeting of the Planning Commission. Written notification of the action taken by the Planning Commission shall be sent to the subdivider and the Borough Secretary. Failure of the Planning Commission to transmit the Final Plan and written recommendations to the Borough Council within forty (40) days of the initial submission of the Final Plan shall constitute a favorable recommendation.

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

403.8 Approval of the Final Plan by the Borough Council:

Upon receipt of the Final plan with the recommendations of the Planning Commission attached thereto, the Borough Council shall review the Final Plan for compliance with the provisions of this Ordinance.

The Borough Council may approve the Plan in whole or in part, or subject the Plan to modifications or conditions or any disapprove the Plan. The action taken by the Borough Council shall be recorded on all copies of the .

Final Plan within forty (40) days upon receipt of the Final Plan from the Planning Commission. Failure to render a decision and communicate it to the subdivider within the time and manner prescribed shall be deemed approval of the Final Plan.

At the time of final approval, the original drawing showing the Final Plan shall be made available for authentication by the Planning Commission and the Borough Council. Both the Planning Commission and the Borough Council shall sign this original drawing and return it to the subdivider for compliance with the recording requirements.

When a Final Plan is not approved in terms as filed, the decision shall specify the defects found in the Final Plan and describe the requirements which have not been met, and in each case, cite to the provisions of' the statue or ordinance relied upon.

In addition, the Borough Council shall notify the subdivider In writing and shall be communicated to him personally or mailed to him at his last known address not later than five(5) days following the decision.

Section 404. Combination of the Preliminary and Final Plans

In the event that an initial subdivision is four (4) lots or less, the following procedures shall apply:

- a. Ten (10) days prior to a regularly scheduled meeting of the Planning Commission, the subdivider shall submit seven (7) copies of the Final Plan which shall meet the requirements both for Preliminary Plans as set forth in Section 501 of this Ordinance and for Final Plans as set forth in Section 601 of this Ordinance and shall be accompanied by certification from the Department of Environmental Resources that the lots as designed are suitable for on-site sewage disposal by means of septic tanks.
- b. The Planning Commission may refer copies to the following agencies for comments and recommendations:
 - One copy retained by the Secretary of the Planning Commission for the record.
 - One copy transmitted to the Pennsylvania Department of Environmental Resources for review and recommendation.
 - One copy transmitted to the local office of the Pennsylvania Department of Transportation for review.
 - One copy to the Borough Engineer for review.
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- One copy to all affected public utilities for recommendations on installing the necessary services.
 - One copy transmitted to the York County Planning Commission for review.
 - One copy transmitted to the Borough Secretary accompanied by the written recommendations of the Planning Commission.
- c. The Planning Commission shall review the proposed minor or small subdivision at a regular meeting with reference to:
- The standards and requirements of this Ordinance and the Borough Zoning Ordinance if one has been adopted..
 - The Comprehensive Plan and Official Map of ' Fawn Grove Borough if any have been adopted.

At the time of review the subdivider shall make the original drawing of the proposed minor or small subdivision available for authentication and signature.

- d. The minor or small subdivision shall not involve any street improvement and/or street dedication. In the event such an improvement is proposed the subdivider shall comply with the Preliminary Plan and Final Plan specifications of this Ordinance.
- e. If on-lot sewage disposal and water supply systems are to be provided within the minor or small subdivision, the subdivider shall make appropriate arrangements for soil absorption tests with the Pennsylvania Department of Environmental Resources.
- f. Following Planning Commission's review and approval the subdivider shall present the proposed minor or small subdivision plan at the next meeting of the Borough Council. The Borough Council shall review the proposed minor or small subdivision with reference to the provisions of this Ordinance and the Borough Zoning Ordinance if any.
- g. The Borough Council may approve in whole or in part, or disapprove the Plan as presented, or subject the Plan to modifications before approval. At this time the original drawing shall be made available for signature.

Section 405. Recording of the Final Plan:

After approval of the Final Plan, the subdivider shall file a copy of the same with the Recorder of Deeds within ninety (90) days of the date of approval. Should the subdivider fail to record the Final Plan within such a period, the approval of the Council shall be null and void.

Section 406. Resubdivision Procedure:

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

Section 407. Effect on Existing Subdivision Plans:

The regulations of the subdivision and land development ordinance shall apply to all existing subdivision plans which may or may not have been approved by the Borough Council prior to the passing of' this Ordinance. Undeveloped areas, whether laid out in streets and lots, or not, within subdivisions existing prior to the passage of this Ordinance, shall be developed entirely in strict accordance with this Ordinance, and all of the limitations and restrictions imposed herein shall apply to such undeveloped areas.

Section 408. Sale of Lots and Erection of Buildings:

No lot in a subdivision may be sold and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and where required recorded, and until the improvements required by the Borough Council, in connection therewith have either been constructed or guaranteed, as hereinabove provided.

Section 409. Subdivision of Lands Without Filing of Plan:

The Borough Council will not approve the subdivision of a lot, tract or parcel of' land without requiring that a plan thereof be prepared and submitted as hereinbefore set forth. There will be no exceptions to the requirements of filing a subdivision plan in any instance .

ARTICLE V

Preliminary Plan

Section 501. Required Information:

The subdivider shall supply seven (7) copies (black and white prints) of the Preliminary Plan and seven (7) copies of the supporting data. The Preliminary Plan shall be at a scale of not more than 100 feet to an inch, and may be drawn in pencil on tracing paper in a neat but not elaborate style. It shall show or be accompanied by the following:

- a. Title block in lower right corner, giving name of subdivision, scale, date, owner's name, engineering or surveyor's name and registration number and seal.
- b. North point; signature block for three (3) members of the Borough Council, Borough Engineer and three (3) Planning Commission members; explanatory notes.
- c. Complete topography, showing contours at 1 foot vertical intervals for land slopes of less than 5 percent, or 5-foot vertical intervals for land slopes of more than 5 percent on a datum approved by the engineer, and references to two (2) permanent bench marks. All existing watercourses, tree masses and isolated trees more than 10 inches in diameter, existing buildings, public works and all significant features within or immediately adjacent to the tract.
- d. Boundary lines of the tract, showing courses and distances, as plotted by deed (unless an accurate survey has been made) and the names of the present owners of all adjacent lands .
- e. Layout of proposed street system, showing. right-of-way and cartway widths; street names; locations and names of existing streets within or adjacent to the subdivision.
- f. Lines of all lots, parcels, or tracts included within the subdivision including those not presently owned by the subdivider, but on June 15, 1964 , owned by the same land owner as the tract being subdivided; building setback lines, utility easements (may be given in the form of a note) ; any areas offered to public use or reserved for special uses .
- g. Any existing easements, rights-of-way, or restrictions, over or upon the land, with complete information regarding them.

- h. Small scale key map showing the subdivision in relation to the surrounding neighborhood and community.
- i. Proposed drainage system, showing the location and approximate sizes, capacities and grades of inlets, sewers, culverts and other structures, and where water will be drained and how it will affect adjacent properties. For large areas, or subdivisions possessing unusual topographic features, the Borough Engineer may require that this be shown on a separate drainage plan.
- j. Any other public improvements necessary for the complete development of the subdivision.
- k. A cross-section and profiles of each street showing the existing ground on the centerline and along each property line and the tentative centerline finished grade.
- l. Feasibility report on sewer and water facilities for the tract along with recommendations from the local office of the Pennsylvania Department of Environmental Resources.

ARTICLE VI

Final Plan

Section 601. Required Information:

The Final Plan shall be clearly drawn in ink on linen tracing cloth at a scale of one inch equals 100 feet. If the area covered by the Final Plan is only a portion of the area of the Preliminary Plan, it shall indicate in a key map the area of the Preliminary Plan to which it refers, The maximum size of any Final Plan shall be 42 inches by 60 inches, and if two or more drawings are required, each shall be accompanied by a key map showing the location of the various sections, ana each Final Plan shall show or be accompanied by the following:

- a. Title block in lower right corner, giving name of subdivision, scale, date, owner's name, engineer or surveyor's name and registration number and seal.
- b. North point (indicate true or magnetic), signature block for five (5) members of the Borough Council, Borough Engineer, and three (3) Planning Commission members; explanatory notes.
- c. At the discretion of the Borough Engineer complete topography as stated under Item "c" of Article V. Where topography is required it may be necessary to show it on a separate drainage plan (see Item "i" Article V).
- d. Boundary lines of the tract, showing courses and distances as found by accurate survey; all courses permanently marked.
- e. The full plan of development, including street lines, lot lines, building lines, crosswalks, easements, and open spaces. Any limitations of the easements shall be noted on the plan. All streets shall be named, all lots shall be numbered, all areas not laid out in streets or lots shall be given explanatory notes.
- f. Sufficient information acceptable to the Borough engineer to determine readily the location bearing and length of every boundary, street, lot and easement line, and to reproduce such lines upon the ground. In the case of curved lines, the radii, lengths of curves, and tangent bearings shall be given. All dimensions shall be shown in feet and hundredths of feet, and all dimensional data shall be accurately computed to the nearest hundredths of a foot, or 10 second arc.
- g. The location of permanent reference monuments (see Article v Ill, Section 807) or the plan may indicate

where such monuments will be placed after street construction has been complete. However, streets will not be adopted until such reference monuments have been set. The location, description and elevation of at least two permanent Bench Marks shall be shown.

- h. Street profiles, showing the existing ground on the centerline and along each property line, and the tentative center -Tine finished (Trade; a typical cross-section of each street, showing width and type of paving, curbs or gutters, slopes.
- i. Performance bond or other assurances, in an amount approved by the Borough Engineer, to cover the cost of all public improvements, unless such improvements **have** been completed.
- j. A copy of such private deed restrictions as may be imposed upon the property as a condition of sale, (or these may be printed directly on the Final Plan), together with any restrictions previously imposed which may affect the title to the land being subdivided.
- k. Each lot of the proposed subdivision must be numbered for identification. These numbers should be shown on the Final Plan.
- l. From a Registered Professional Engineer employed by the Borough Council: Certification that the subdivider has installed all improvements to the specifications of these requirements and any conditions attached to the approval of the Preliminary Plan by the Planning Commission and/or the Borough Council; or that the subdivider has posted Bond or certified check in amount sufficient to assure completion of all required improvements.
- m. From State Agencies: **Certification** that method of sewage disposal and water supply have been approved by the Pennsylvania Department of Environmental Resources.
- n. Other certificates as may be required.
- o. An agreement that the subdivider will install underground utilities where feasible before paving streets and constructing sidewalks.

ARTICLE VII

Development Standards

Section 701. Location of Sites:

All subdivision plans must reflect a location which has given consideration to the Following limiting factors:

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

Section 702. Design Standards of Sites:

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

- a. In all subdivisions, all natural and historic features shall be maintained on the basis of Borough determination. In subdivisions where woods or scattered trees exist, of such nature and quality that the Borough judges them deserving of preservation, a grading plan may be required. The grading plan shall show the accurate location of significant individual trees as well as accurately locating existing and proposed ground elevation in relation to these trees.
- b. In a subdivision where slopes on the site average more than 15 percent the Planning Commission may recommend modifications in the Zoning Ordinance and/or Subdivision Regulations of the Borough.
- c. In subdivisions subject to periodic or permanent high-water table, a drainage plan prepared by a engineer is required. The drainage plan shall show present and future elevations and also all present and proposed facilities for elimination of the high-water table.

- d. Except for a privately created water body, where the subdivision is adjacent to a lake, or other such large water body, the following general standards shall apply:
- No building may be located within sixty (60) horizontal feet of the median ordinary high-water level (maximum pool) or so located that the lowest floor is less than three (3) feet above the ordinary high-water level.
 - No structure may be erected beyond the established wharf or dock line.
 - Public access points shall be provided to the water body at an interval of not less than one point in every one-half mile along the shore.
 - No building may be erected in any designated flood plain area.

Section 703. Streets:

Basic principles to be used in the layout of streets within a subdivision should include a consideration of the following:

a. Street System:

- Discourage through traffic on minor residential streets, but provide for the extension and continuation of major streets into and from adjoining areas. Avoid, where possible, facing residential lots on existing or proposed major thoroughfares..
- Suitable access streets to adjacent property shall be provided as well as temporary easements for turnarounds where necessary.
- Cul-de-sac streets shall be permitted for residential use, not to exceed 500 feet in length. Dead end streets, providing no vehicular turnaround at the end, shall not be permitted.
- Minor residential streets shall not intersect major at intervals of less than 800 feet.
- While alleys in residential areas have become unpopular their use is sometimes necessary where unusual topographic conditions make it impossible to provide access to garages from the front street. In commercial or industrial districts without expressly designed unloading areas, the use of alleys is required.

b. Street Alignment:

- Curvilinear streets shall be composed of true, circular curves; straight portions shall be tangent to the beginning or end of curves. Where spiral easements or other curvilinear alignments are used, complete engineering data shall be furnished.
- Proper sight distance must be provided with respect to both horizontal and vertical alignment. Measured along the centerline 5 feet above grade, this minimum sight distance must be as follows: .

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

b. Street Grades and Cross-sections:

- In general, street grades shall be limited to from 1 percent to 10 percent. Where unusual conditions warrant, grades as low as 0.5 percent or as high as 12.5 percent will be permitted. Alley grades shall be limited to from 0.5 percent to 14 percent.
- Street cross-sections shall conform to a parabola, and shall be constructed that the crown shall lie 3 inches below a line stretched between the tops of the curbs. Alley cross-sections shall be V-shaped, being 0.3 inches lower at the center than at the sides,.
- The difference in elevation between curbs in cross-sections shall not be greater than six (6) inches, except at and near street intersections.

c. Street Widths:

- Standard widths between right-of-way lines and between curb lines shall be:

<u>Type of Street</u>	<u>Width of Right-of-way</u>	<u>Width of Cartway</u>
Cul-de-sac Street	50 feet	32 feet
Cul-de-sac Turnaround	50 feet radius	40 feet radius
Alley or Service Drives	22 feet	22 feet
Minor Street	50 feet	32 feet
Collector Street	60 feet	36 feet
Arterial	Shall conform to standards of Penna. Dept. of Transportation	

The Borough Council may, at their discretion, depart from this table of widths where unusual conditions warrant.

- Extensions of existing streets shall generally be continued at their existing width unless a change in width is authorized.

d. Street Intersections:

- Intersections involving the junction of more than two streets are prohibited. Right-angle intersections must be used wherever practicable. When minor streets intersect collector or arterial streets, the angle of intersection of the street centerlines may not be less than 75 degrees.
- Intersections must be approached on all sides by level areas. Where the grade exceeds 7 percent these level areas must have a minimum length of 50 feet (measured from the intersection of the centerlines) within which no grade may exceed a maximum of 4 percent.
- Design of curb or edge of pavement must take into account such conditions as types of turning vehicles, likely speeds of traffic, angle of turn, number of lanes, and whether parking is permitted; but curb or edge of pavement radii must not be less than the following:

<u>Intersection</u>	<u>Minimum Simple Curve Radii of Curb or Edge of Pavement</u>
<u>Major Streets</u>	40' or more as determined after consultation with Pennsylvania Department of Transportation
Arterial with arterial	
Arterial with collector	<u>35'</u>
Collector with collector	30'
Collector with minor street	25'
<u>Minor Streets</u>	
Minor street with minor street	20'

- Proper sight lines must be maintained at all street intersections. Measured along the centerline, there must be clear sight triangle with sides as follows:

The Borough Council may, at their discretion, depart from this table of widths where unusual conditions warrant.

- Extensions of existing streets shall generally be continued at their existing width unless a change in width is authorized.

e. Street Intersections:

- Intersections involving the -junction of more than two streets are prohibited. Right-angle intersections must be used wherever practicable. When minor streets intersect collector or arterial streets, the angle of intersection of the street centerlines may not be less than 75 degrees.
- Intersections must be approached on all sides by level areas. where the grade exceeds 7 percent these level areas must have a minimum length of 50 feet (measured from the intersection of the center- lines) within which no grade may exceed a maximum of 4 percent.
- Design of curb or edge of pavement must take into account such conditions as types of turning vehicles, likely speeds of traffic, angle of turn, number of lanes, and whether parking is permitted; but curb or edge of pavement radii must not be less than the following:

<u>Intersection</u>	<u>Minimum Simple Curve Radii</u>
<u>Major Streets</u>	<u>of Curb or Edge of Pavement</u>
Arterial with arterial	40' or more, as determined after consultation with Pennsylvania Department of Transportation
Arterial with collector	35'
Collector with collector	30'
Collector with minor street	25'
<u>Minor Streets</u>	
Minor street with minor street	20'

- Proper sight lines must be maintained at all street intersections. Measured along the centerline, there must be a clear sight triangle with sides as follows:

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

No building or obstruction is permitted in this area.

At intersections involving State Highways, sight distances must conform to standards of the Pennsylvania Department of Transportation.

- The distance between intersections below must be observed:

-- Intersections on Arterials: Minor and collector streets may not intersect arterials at intervals of less than 800 feet and shall be in alignment with existing and planned streets entering the arterial from the opposite side.

-- Intersections on Minor or Collector Streets: If streets are not in alignment, the distance between streets opening up on opposite sides of any existing or proposed streets must be no less than 125 feet measured from centerlines.

f. Curves:

- Where connecting street lines deflect from each other at any one point by more than 10 degrees, the lines must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be as follows

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

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

g. Other Requirements:

- The dedication of half streets at the perimeter of a new subdivision is prohibited. If circumstances render this impracticable, adequate .

provision for the concurrent dedication of the remaining half must be furnished by the subdivider, Where there exists a half street in an adjoining subdivision, the remaining half must be furnished by the subdivider.

- Reserve strips controlling access or egress are prohibited.

Section 704. Blocks and Lots:

a. Blocks:

In general blocks on which building lots face shall be not less than 500 feet, nor more than 1,500 feet in length. where longer blocks are necessary provision shall be made for a crosswalk. Blocks should be wide enough for two tiers of lots and should not generally be less than 300 feet wide between right-of-way lines.

b. Lots:

Lot layout in a subdivision. Insofar as is possible, all lots within a subdivision shall conform to the following requirements:

- Corner lot shall provide for equal setbacks on both streets.
- Lot depth shall not be less than one nor more than two times the average width.
- Depth and width of parcels laid out or reserved for non-residential use shall be adequate for the use proposed and sufficient to provide satisfactory space for off street parking and unloading.
- Residential lots shall front on a dedicated public street existing or proposed.
- side lot lines shall be substantially at right angles or radial to street lines.

c. Lot dimensions - The dimensions and areas of the lots must conform to the Borough Zoning Ordinance, and in the absence of a Zoning Ordinance having been enacted must be at least 150 feet in width at the street line and must contain at least 30,000 square feet exclusive of road right-of-way.

d. Building setback lines and sideyards - The building setback lines must be 50 feet from the road right-of-way and side-yards must be at least ___ feet.

e. Railroads - On a lot abutting a railroad, no dwelling may be placed within 75 feet of the nearest existing tract, nor within 25 feet of any portion of the railroad right-of-way line.

- f. Planting Screens - Where lots face an interior street and back on a major thoroughfare or abut properties and other uses with an adverse affect upon them, a planting strip of at least 15 feet wide for a screen may be required along the back or abutting side of the lot as the case may be. No right of access may open onto or through the strip.
- g. Residential Parking - At least one off street parking space with access to a public street shall be provided for each proposed dwelling unit. Where such access is to other than a minor street adequate turn around space shall be provided on the lot.

Section 705. Building Lines and Utility Easements:

- a. Easements, Width and Location - When easements for utilities are required, they must be a minimum of 15 feet wide. The location of easements for overhead utilities shall be determined after consultation with the appropriate utility companies.
- b. Underground Installations - Electric, telephone and all other utility facilities shall be installed underground unless, in the opinion of the Borough Council, special conditions require otherwise.
- c. Natural gasline - All natural gas lines must be installed in compliance with the A.F.A. Code, B 31, 80 1958, as amended. The minimum distance from a natural gas line, installed to service the subdivision, to a dwelling unit must be required by the applicable transmission or distributing company.
- d. Petroleum Lines - Between a proposed dwelling unit and the center line of a petroleum products transmission line including a natural gas line which may transverse the subdivision, there must be a minimum distance of 100 feet measured in the shortest distance. No building permits shall be issued to place a residential unit closer to the center line of a petroleum products transmission line than 100 feet even though a subdivision plan involving such lots has been approved or subdivision approval is not required.
- e. Street Lighting Installation - The subdivider must provide an easement for any street lights installed or for future street lighting installations. Before installation, he must consult with the public service utility involved.

Section 706. Mobile Home Parks:

The design layout and required improvements for mobile home parks as defined by this Ordinance must comply with all provisions of this Ordinance.

ARTICLE VIII

General Specifications for Improvements

Section 801. Subdivider's Responsibility:

The subdivider shall complete (or furnish a proper completion guarantee for) such of the improvements as the Borough Council may require in the public interest, as heretofore stated in Articles IV and V.

Section 802. Coverage of Specifications:

The Following specifications cover only the improvements which will be required in most subdivisions; specifications for improvements not contained herein will be furnished by the Borough as required. Before construction of any public improvements is undertaken, sufficient notice shall be given to the Borough Engineer to enable him to check the work.

Section 803. Street Grading:

All streets shall be graded to:

- a. The grades shown on the street profile plan provided by the subdivider and approved by the Borough engineer.
- b. In cross-section, to the full width of the right-of-way, providing for a properly crowned cartway, and where no sidewalks are required, a slope of not more than five horizontal, to one vertical, starting at the gutter line and running to the property line.
- c. A slope of not more than three horizontal, to one vertical beyond the right-of-way line.
- d. On streets in excessive cut or fill, or on steep side hill locations, these grading specifications may be altered.

Section 840. Cartway Paving:

Streets must be surfaced to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the subdivider and approved by the Borough. Before paving the street surface, the subdivider must install required utilities and provide, where necessary, adequate subsurface drainage for the streets, as acceptable to the Borough. The pavement base and wearing surface must be constructed according to the Pennsylvania Department of Transportation's Specifications, Form 408, published in 1967. Reference for the construction requirements would be as follows:

- a. Minor Streets:

For construction of surface see Section 441 of the Pennsylvania Department of Transportation Specifications, Bituminous Surface Course CP-2. For construction of Base Course see section 311 of the Pennsylvania Department of Transportation's Specifications, Crushed Aggregate Base Course Type B.

b. Collector Streets:

For construction of surface see section 420 of the Pennsylvania Department of Transportation's Specifications, Bituminous Surface Course ID-2A. For construction of Base Course see Section 311 of the Pennsylvania Department of Transportation's Specifications, Crushed Aggregate Base Course, Type B.

c. Arterial Streets:

For construction of surface see Section 420 of the Pennsylvania Department of Transportation's Specifications, Bituminous Surface Course ID-2A. For construction of Base Course see Section 311 of the Pennsylvania Department of Transportation's Specifications Crushed Aggregate Base Course, Type B.

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

Section 805. Curbs and Sidewalks:

a. Curbs:

In General, the Borough Council will require 18-inch cement concrete straight curbs on all streets throughout a development; this provision may be modified, particularly in the case of development in rural areas where large lots are provided and the character of the development is such that in the opinion of the Borough Council, there is no need for concrete curbs. However, all streets having grades in excess of 5 percent or less than 1 percent shall be provided with 18 inch straight or rolled concrete curbs, or properly designed rolled gutters made of bituminous concrete laid on a four (4) inch compacted macadam base, or by such other means as may be approved to protect the paving or to insure adequate drainage.

b. Sidewalks:

In general developments adjacent to areas having sidewalks shall provide a continuation of these sidewalks.

Sidewalks shall be concrete, four (4) inches thick, four

(4) feet wide, with at least a 2 foot 6 inch grass plot between curb and sidewalk. Where sidewalks are required, the area from the

curb line to the back of the sidewalk shall slope 1/4 inch per foot toward the street.

Section 806. Storms and Surface Drainage:

All storm drains and drainage facilities such as gutters, inlets, bridges, storm sewers and culverts must be installed by the developer and the land graded for adequate drainage. Street grades shall be such that no surface drainage is discharged over lots; where topographic conditions require that drainage ways other than streets or alleys must be employed easements shall be provided over them for maintenance by the Borough. Where streets intersect, at grades of less than 1 percent, concrete valley gutters of suitable width and thickness shall be provided to insure proper drainage of the inter-sections.

All details of drainage systems shall be shown on the Final Plan, or by means of an accompanying drainage plan.

Section 807. Monuments:

Permanent reference monuments of precast concrete or a durable stone, at least 5 inches wide at top and 7 inches wide at bottom, and at least 36 inches in depth, set flush with the finished grade, shall be set at such points as will be designated by the Borough Engineer, and the location and elevation of each monument shall be shown on the Final Plan, and survey work involved in the placements of these monuments shall be carried out with an accuracy of not less than 1 in 10,000.

Section 808. Water Supply and Sanitary Sewers:

a. Water Supply:

Based upon the results of the feasibility report, the subdivision must be provided with water supply facilities as follows:

- Where there is an existing public water supply system on or near the subdivision, a complete water main supply system connected to the existing public water supply system, or
- Where there is no existing public water supply system on or near the subdivision, a community water supply system approved by the engineer of the water utility company holding a franchise covering the land to be subdivided and the Pennsylvania Department of Environmental Resources, with satisfactory provision for its maintenance, or
- Where there is no existing public water supply and the feasibility report indicates that a community water supply system is not feasible, each lot in the subdivision must be provided with an individual water supply system in accordance

with the minimum standards approved by the Pennsylvania Department of Environmental Resources.

b. Sanitary Sewers:

Based upon the results of the feasibility report required the subdivision must be provided with sanitary sewage disposal facilities as follows:

- Where there is an existing public sanitary sewer system on or near the subdivision, a complete sanitary sewage collection system must be installed and connected to the existing public sanitary sewer system, or
- Where there is no existing public sanitary sewer system, but a public sanitary sewer system is to be installed on or near the subdivision within a reasonable time as determined by the Borough Council, a complete sanitary sewage collection system must be installed and
 - Connected to a community treatment plant, until connection to a public sanitary sewer system is made, or
 - Capped, and on-site subsurface sewage disposal systems provided.
- Where there is no existing public sanitary sewer system, a community sanitary sewer system and treatment plant approved by the Pennsylvania Department of Environmental Resources, must be installed in accordance with the requirements of the Pennsylvania Sanitary Water Board, with satisfactory provision for its maintenance, or
- Where there is no existing public sanitary sewer system and the feasibility report indicates that a community sanitary sewer system and treatment plant is not feasible, on-site subsurface sewage disposal systems must be installed.

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

If on-site subsurface sewage disposal systems are not feasible, connection to a public sanitary sewer system or installation of a community sanitary sewer system must be made prior to development of the subdivision.

Section 809. Street Lights:

For safety, convenience, and attractiveness of the subdivision, on-site or public street lights must be provided by the subdivider at the discretion of the Borough Council. Construction specifications such as type of light standard, spacing of lights, height of lights and light intensity must be approved by the Borough Council.

ARTICLE IX

Adoption and Dedication

Section 901. Adoption:

To secure adoption by Pawn Grove Borough of streets and alleys, laid out and built in conformance with these regulations, a developer shall submit to the Borough Engineer in writing a request that such streets as he may designate shall be adopted, together with a plan showing the exact length of streets to be adopted, a profile showing the centerline finished grade of the street as built, and curb grades, and a cross-section showing the graded and paved width, and the paving construction. If the streets built are in conformance with these regulations, and all requirements have been met, the Borough Council may adopt such streets by ordinance, notifying the developer of their action, and cancelling the performance bond filed for their construction.

Section 902. Dedication:

Where a proposed playground, open space, or other local or neighborhood recreation site is shown on a comprehensive plan or where the Borough considers that a local recreation site is necessary to carry out the purpose of this Ordinance, the Borough may require the dedication of all or a portion of such site in accordance with the standards following:

- a. The land to be dedicated must be of suitable size, dimensions, topography, access, and general character for the proposed use.
- b. The amount of land so required for this purpose must not exceed 0.01 acres of land for each lot on the Final plan.
- c. In the case of an apartment development, however, the number of dwelling units shall be used to determine the required acreage instead of lots.

Section 903. Payment in Lieu of Dedication:

Where the application of the area standards stated in the previous section would result in an open or recreation site too small to be usable, or if a comprehensive plan calls for such local recreation site to be located elsewhere, or if a suitable local recreation site cannot be properly located in the subdivision, as determined the Borough, a payment of a fee in lieu of dedication of such land is required. The following procedures must be followed:

- a. The amount of the fee must be substantially equal to the value of the land that would be set aside if the standards specified were to be applied.

- b. the fee must be set by and paid to the Borough prior to the approval of the Final Plan.
- c. All moneys paid to the Borough in this manner must be kept in a capital reserve fund established as provided by law. Moneys in such capital reserve fund must be used only for the acquisition of land for park and recreation or open space purposes.
- d. When the Borough adopts an official plan of neighborhoods or local planning districts, the accounts of the fund must show the amount of fees collected in each neighborhood or district. Thereafter, moneys expended from the fund for land acquisition in any one neighborhood may not exceed moneys collected from that neighborhood. Until such plan of neighborhoods or planning districts is adopted, moneys expended from the fund must as nearly as may be practicable, be for land acquisition in the general area of developments from which such moneys were derived so the site will be readily accessible to the residents of such developments.

The provisions of these regulations governing the setting and collection of fees in lieu of land dedication shall not be utilized until the Borough has established a capital reserve fund.

ARTICLE X

Administration

Section 1001. Modifications:

These provisions shall be considered the minimum requirements for the protection of the public welfare and the Borough Council reserves the right to modify or to extend them as may be necessary in the public interest. However, waivers or variations of the requirements outlined herein may be permitted by the Council on application when in its judgment, special factors warrant, and when such waivers and variations are not detrimental to the public health, safety or general welfare.

Section 1002, Validity:

The provisions of this Ordinance are hereby declared to be severable, and if any of its provisions shall be held to be invalid or otherwise void for any reason, such decision shall not affect or impair any of the remaining provisions hereof.

Section 1003. Fees:

The following fees shall be paid by the subdividers of the Borough.

- a. Filing of preliminary plan - \$10.00.
- b. Filing a final plan - Before approval of the final plan, the subdivider shall pay to the Borough an amount determined by the Borough Engineer and the Borough Solicitor to cover the reasonable cost of (1) Reviewing the subdivision plan engineering details; (2) Inspecting the site for conformance of survey; (3) Preparing cost estimates of required improvements; (4) Inspection of required improvements during installation; (5) Final inspection on completion of installation of required improvements; (6) Administration and legal services necessary for the processing of the proposed subdivision plan. Any engineering, legal and administrative costs in excess of the amounts submitted prior to approval of the final plan, shall be paid promptly by the subdivider upon being notified of same by the Borough Solicitor. Any excess paid over the amount actually required to cover such costs shall be returned to the subdivider upon the completion of the required improvement. The total fee for filing a plan shall in no event be less than \$10.00 per acre.

Section 1004. Penalty:

Any person, partnership or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for common use for occupants of buildings abutting thereon, or who sells, transfers, or agrees to lease or otherwise subdivides any land and a subdivision or land development whether by reference to or by other use of a plan of such subdivision or land development or otherwise, or erects or places any building or structure thereon, unless and until a final plan has been prepared and approved in full compliance with the provision of this act and of the regulations adopted hereunder has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person or members of such partnership, or the officers of such corporation or agent of any of the, responsible for such violation shall pay a fine not exceed in a \$1,000.00 per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violation shall be paid to Fawn Grove Borough. 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 transferred from such penalties or from the remedies herein provided.

Section 1005. Repealer:

All current ordinances or parts of ordinances in conflict with this Subdivision and Land Development Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 1006. Effective Date:

This Subdivision and Land Development Ordinance shall become effective on June 5, 1973 and remain in force until modified, amended, or rescinded by the Borough Council of Fawn Grove Borough, York County, Pennsylvania.

Including amendments approved, adopted, and enacted into an ordinance the 5th day of June, 1973.

By: *E.M. Willis*

Attest:

David P. Anderson

BOROUGH COUNCIL OF
FAWN GROVE BOROUGH