

Chapter 22

Subdivision and Land Development

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Part 1**Short Title, Purpose, Authority, Application and Interpretation****§22-101. Short Title.**

This Chapter shall be known as the “North York Borough Subdivision and Land Development Ordinance.”

(*Ord. 90-9, 9/10/1990, §101*)

§22-102. Purpose.

These regulations are adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the Borough of North York.

B. To guide the future growth and development of the Borough of North York, in accordance with the Comprehensive Plan of the Borough of North York.

C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.

D. To protect the character and social and economic stability of the Borough of North York and to encourage the orderly and beneficial development of the Borough of North York.

E. To protect and conserve the value of land throughout the Borough of North York, and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.

F. To guide public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, schools, parks, playgrounds, recreation and other public requirements, and facilities.

G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic within the Borough of North York, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

H. To establish reasonable standards of design and procedures for subdivision and re-subdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

I. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources in order to preserve the community and value of the land.

K. To preserve the natural beauty and topography of the Borough of North

York and to ensure appropriate development with regard to these natural features.

L. To provide for open spaces through efficient design and layout of the land.

M. And finally, to ensure that documents prepared as part of a land ownership transfer fully and accurately describe the parcel of land being subdivided, and the new parcels thus created.

(*Ord. 90-9, 9/10/1990, §102*)

§22-103. Authority.

1. *Authority of the Borough of North York.* The Council of the Borough of North York is vested by law with the control of the subdivision of land and land development within the Borough of North York by Act 247 of 1968, the Pennsylvania Municipalities Planning Code, as amended 53 P.S. §10101 *et seq.* The Council of the Borough of North York shall retain the authority to approve all subdivision plans and land development plans as required herein.

2. *Authority of the North York Borough Planning Commission.* The Planning Commission is hereby designated by the Council of the Borough of York as an agency which shall review and make recommendations on preliminary and final subdivision and land development plans as required herein, prior to action by the Council of the Borough of North York, and, when provided by ordinance, make other recommendations.

3. *Authority of Plan Review Board.*

A. The Plan Review Board is hereby designated by the Council of the Borough of North York as an agency which shall review and have the authority to approve land development construction plans for the issuance of Building and zoning permits for all improvements other than single-family residential use.

B. The Plan Review Board shall consist of the North York Borough Codes Enforcement Officer, the North York Borough Engineer and the North York Borough Building Official. [*Ord. 2006-3*]

C. The Codes Enforcement Officer, in his discretion, may request the North York Borough Planning Commission or any other North York Borough official or agency to review the application and make recommendations thereon. [*Ord. 2006-3*]

(*Ord. 90-9, 9/10/1990, §103; as amended by Ord. 2006-3, 7/10/2006*)

§22-104. Application of Regulations.

1. *Subdivision Control.* No subdivision, as herein defined, of any lot, tract, or parcel of land shall be effected and no street, alley, 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 or to abut thereon, except in strict accordance with the provisions of this Chapter. No lot in any subdivision may be sold, and no permit to erect, alter, or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and recorded; and until the improvements required by the Borough of North York in connection therewith have either been constructed or guaranteed as herein provided in §22-612.

2. *Land Development Control.*

A. Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to, the filing of preliminary and final plats, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by the Borough of North York.

B. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way. Developments are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking and other features, and shall be indicated on the land development plans.

(Ord. 90-9, 9/10/1990, §104)

§22-105. Interpretation and Conflicts.

1. *Interpretation.* In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

2. *Conflict With Public and Private Provisions.*

A. *Public Provisions.* Where any provision of this Chapter imposes restrictions different from those imposed by any other provision of this Chapter or any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

B. *Private Provisions.* This Chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Chapter are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Chapter shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations or the determinations of the Council of the Borough of North York in approving a subdivision or in enforcing this Chapter, and such private provisions are not inconsistent with this Chapter or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made hereunder.

(Ord. 90-9, 9/10/1990, §105)

Part 2

Definitions

§22-201. General Interpretation.

Unless otherwise expressly stated, the following words shall for the purpose of this Chapter, have the meaning herein indicated. The present tense shall include the future, the singular number shall indicate the plural of the singular, words used in the masculine gender shall include the feminine and the neuter; the word “shall” is always mandatory, the word “may” is always permissive.

(Ord. 90-9, 9/10/1990, §201)

§22-202. Specific Words and Phrases.

Agent - any person, other than the developer, who, acting for the developer, submits land development plans to the Borough Council for the purpose of obtaining approval thereof. [Ord. 94-02]

Agricultural purposes - the use of land for farming, dairying, pasturage, agricultural, horticulture, viticulture, or animal or poultry husbandry, including the necessary accessory uses for packing, treating or storing the produce and equipment or housing and feeding the animals and/or the use of dwellings for families headed by a full-time worker. Includes land devoted to and meeting the requirements and qualifications for payments and other compensation pursuant to a soil conservation program under agreement with an agency of the Federal government. [Ord. 94-02]

Alley - a minor way, whether or not legally dedicated, intended and used primarily for vehicular service access to the rear of properties which abut on a street, and not intended for the purpose of through vehicular traffic.

Applicant - a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns. [Ord. 94-02]

Application for development - every application, whether preliminary, tentative or final, required to be filed and approved prior to the 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. [Ord. 94-02]

Base flood elevation - the 100-year flood elevation. Within the approximated floodplain the base flood elevation shall be established as a point on the boundary of the approximated floodplain which is nearest to the subdivision or development site in question. [Ord. 94-02]

Block - an area bounded by streets.

Borough of North York - the Borough of North York, York County, Pennsylvania.

Borough specifications - Borough specifications established or referred to herein shall mean the North York Borough Construction and Material Specifications for Land Development prepared by the Borough Engineer and adopted by resolution of the Borough Council. Any specification may be amended from time to time by resolution which shall become thereafter part of this Chapter. [Ord. 94-02]

Building - any structure or edifice designed or intended for use as an enclosure, a

shelter or for protection of persons, animals or property. [Ord. 94-02]

Detached - a building which has no party wall. [Ord. 94-02]

Semi-detached - a building which has only one party wall in common. [Ord. 94-02]

Attached - a building which has two or more party walls in common. [Ord. 94-02]

Cartway - the paved area of a street. Sometimes referred to as a “roadway.” [Ord. 94-02]

Clear sight triangle - an area of unobstructed vision at street intersections defined by center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines. [Ord. 94-02]

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 employment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities. [Ord. 94-02]

Comprehensive Plan - the plan, or parts thereof, which has been adopted by the Borough Council, showing its recommendations for such systems as land uses, parks and recreation facilities, water supply, sewerage and sewage disposal, garbage disposal, transportation, highways, civic centers and other public improvements which affect the development of the Borough. [Ord. 94-02]

Condominium - ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices, and other types of space in commercial and industrial buildings or on real property.

Corner lot - a lot abutting upon two streets at their intersection. [Ord. 94-02]

Crosswalk - a right-of-way, municipality or privately owned, at least 12 feet wide, which cuts across a block to furnish access for pedestrians to adjacent streets or properties. [Ord. 94-02]

Council of the Borough of North York - the Council of the Borough of North York, York County, Pennsylvania.

County - the County of York, Pennsylvania.

County Planning Commission - the Planning Commission of the County of York, Pennsylvania.

Cul-de-sac - a minor street intersecting another street at one end and terminated at the other by 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. [Ord. 94-02]

Curb line - the outside edge of the cartway. [Ord. 94-02]

Cut - an excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

Department of Environmental Protection (DEP) - the Pennsylvania Department of

Environmental Protection, its bureaus, divisions, departments, and/or agencies, as may from time to time be established, or such department or departments as may in the future succeed it. [Ord. 2006-3]

Designated floodplain areas - a relatively flat or low land area adjoining a river, stream, flood insurance maps or watercourse which is subject to partial or complete inundation in a 100-flood as designated in the North York Borough Zoning Ordinance [Chapter 27] as amended, and the North York Borough Floodplain Ordinance [Chapter 8]. [Ord. 2006-3]

Detention pond - an area in which surface water runoff is temporarily stored pending its release at a controlled rate.

Developer - any landowner agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a land development. [Ord. 94-02]

Development - any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.

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, ways and parking facilities, common open space and public facilities. The phrase “provisions of development plan,” when used in this Chapter, shall mean the written and graphic materials referred to in this definition. [Ord. 94-02]

Double frontage lot - a lot fronting two streets other than a corner lot. [Ord. 94-02]

Drainage - the removal of surface water or groundwater from land by drains, grading, or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

Drainage facility - any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any land development or contiguous areas. [Ord. 94-02]

Drainage right-of-way - the lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway - a minor vehicular travelway providing access between a street and a parking area or garage within a lot or property. [Ord. 94-02]

Dwelling - any building which is designed for human living quarters, but not including hotels, boarding houses, tourist cabins, motels, and other accommodations used for transient occupancy.

Dwelling unit - a building or portion thereof arranged or designed for occupancy by not more than one family for living purposes and having cooking facilities. [Ord. 94-02]

Easement - a limited right of use granted in private land for public or quasi-public purpose. [Ord. 94-02]

Engineer - a professional engineer licensed as such in the Commonwealth of

Pennsylvania. [Ord. 94-02]

Engineering specifications - the engineering criteria of the Borough of North York regulating the installation of any improvements or facility. In the absence of such North York Borough engineering criteria, the applicable standards of the York County Subdivision and Land Development Ordinance shall apply.

Erosion - the removal of surface materials by the action of natural elements.

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 include the conditions resulting therefrom.

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. It shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

Floodplain - the area along a natural watercourse which may from time to time be overflowed by water therefrom.

Flood-prone area - a relatively flat or low land area adjoining a stream, river or watercourse, which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source. [Ord. 94-02]

Floodproofing - any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings. [Ord. 94-02]

Floodway - the area of a floodplain, including the channel of the watercourse and adjacent land area, required to carry and discharge flood waters of a given magnitude. For the purpose of this Chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude. [Ord. 94-02]

Frontage - the horizontal or curvilinear distance along the street line upon which a lot abuts. [Ord. 94-02]

Future right-of-way -

A. The 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.

[Ord. 94-02]

Grade - the slope expressed in a percent which indicates the rate of change of elevation in feet per hundred. [Ord. 94-02]

Grading and drainage plan - a plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours, and topography.

Gutter - that portion of a right-of-way carrying surface drainage. [Ord. 94-02]

Improvements - pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs and plantings, and other items required for

the welfare of the property owners and the public. [Ord. 94-02]

Interior walk - a right-of-way or easement for pedestrian use, extending from a street into a block or across a block to another street.

Land development - any of the following activities:

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 single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. "Land development" does not include development which involves:

(1) The conversion of an existing single family detached dwelling or single family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.

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

(3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purpose of this subparagraph, an amusement park is defined as a tract of land used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

[Ord. 94-02]

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. [Ord. 94-02]

Location map - a map showing the site with relation to adjoining areas. [Ord. 94-02]

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. [Ord. 94-02]

Lot area - the region contained within the property lines of an individual lot, excluding any area within a street right-of-way, but including the area of any easement. [Ord. 94-02]

Lot, corner - a lot abutting upon two or more streets at their intersection, the front of which shall be considered to be the frontage of least dimension on a street, except that where any two frontages shall each exceed 150 feet in length, either frontage may be designated as the "front" of the lot.

Lot, double frontage - an interior lot which abuts streets in both the front and rear.

Lot, interior - a lot having side lot lines which do not abut on a street.

Lot, nonconforming - a lot of record at the time of the adoption of this Chapter, which by reason of area or dimension, does not conform to the requirements of this Chapter.

Lot of record - a lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of York County, Pennsylvania.

Lot, reverse frontage - a lot extending between and having frontage on an arterial street and a local access street, and with vehicular access solely from the latter.

Lot width - the distance between the side property lines measured along the street right-of-way. [Ord. 94-02]

Lot width, minimum - the distance between the side lot lines measured at the building setback line.

Maintenance guarantee - any security, other than cash, which may be accepted by the Borough of North York for the maintenance of any improvements required by this Chapter.

Major subdivision - any subdivision not classified as a minor subdivision.

Marker - a metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots. [Ord. 2006-3]

Minor subdivision - the subdivision of land into not more than two parcels located on an existing improved street that does not involve installation of improvements as required by this Chapter; extension of utilities; frontage on an arterial or collector street; adverse effect to the development of the remaining parcel; adverse effect to adjoining properties; and conflict with the Borough of North York's Comprehensive Plan, Zoning Ordinance [Chapter 27] or other State, County, or North York Borough ordinances, law, or regulations.

Mobile home - a transportable, single family dwelling intended for permanent occupancy, contained in one unit or two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at the 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. [Ord. 94-02]

Mobile home lot - a parcel of land in a mobile home park, improved with the necessary utilities connections and other appurtenances necessary for the erection of a single mobile home. [Ord. 94-02]

Mobile home park - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. [Ord. 94-02]

Monument - a concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

Multiple dwelling building - a building providing separate living quarters for three or more families. [Ord. 94-02]

Municipal authority - a body politic and corporate created pursuant to the Act of May 2, 1945, P.L. 382, No. 164, known as the "Municipalities Authority Act of 1945." [Ord. 94-02]

Municipalities Planning Code - Act of Assembly of July 31, 1968, P.L. 805, as amended.

One hundred-year flood - a flood that has one chance in 100 or a 1 percent chance of being equaled or exceeded in any year. For the purpose of this Chapter, the 100-year flood (base flood) as defined by Federal Insurance Administration, U.S. Department of Housing and Urban Development, in Flood Insurance Study, Borough of North York, York County, Pennsylvania. Also, the "regulatory flood." [Ord. 94-02]

Owner - the owner of record of a lot or parcel of land. [Ord. 94-02]

Performance bond - an agreement by and between a contractor and a bonding company in favor of the developer and the Borough Council members guaranteeing the completion of physical improvements. [Ord. 94-02]

Performance guarantee - any security which may be in lieu of a requirement that certain improvements be made before the Council of the Borough of North York approves a final subdivision or land development plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Person - an individual, partnership, corporation, or other legally recognized entity.

Plan - the map or plan of a subdivision or land development, whether sketch, preliminary or final.

A. *Plan, Sketch* - an informal land development plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed land development for discussion purposes only and not to be presented for approval.

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

C. *Plan, Final* - a complete and exact land development plan, prepared for official recording, to define property rights and proposed streets and other improvements.

[Ord. 94-02]

Plan, soil erosion, and sedimentation control - a plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

Planning Commission - the Planning Commission of Borough of North York.

Plan Review Board - an agency having the authority to approve land development construction plans and applications for the issuance of building and zoning permits.

Plat - a map or plan of subdivision or use indicating the location and boundaries of individual properties.

Public grounds - includes:

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.

C. Publicly owned or operated scenic and historic sites.

[Ord. 94-02]

Public hearing - a formal meeting held pursuant to public notice by the North York Borough Council, intended to inform the public and obtain public comment, prior to taking action in accordance with this Chapter. [Ord. 94-02]

Public meeting - a forum held pursuant to notice under the Sunshine Act, 65 Pa.C.S.A. §701 *et seq.* [Ord. 2006-3]

Public notice - notice published once each week for 2 successive weeks in a newspaper of general circulation in the Borough. Such 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 30 days and the second publication shall not be less than 7 days from the date of the hearing. [Ord. 94-02]

Regulatory flood elevation - the 100-year flood elevation plus freeboard safety factor of 1½ feet.

Reserve strip - a narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

Resident property owner - any individual maintaining a voting address in the Borough of North York, within 1,000 feet of the proposed subdivision, owning real estate in his own or joint names.

Re-subdivision - any land development which has been approved by the Borough which changes, or proposes to change, property lines and/or public rights-of-way not in strict accordance with the approved plan. [Ord. 94-02]

Reverse frontage lot - a lot extending between and having frontage on an arterial street and minor street with vehicular access solely from the latter. [Ord. 94-02]

Right-of-way - land opened for use as a street, alley or crosswalk. [Ord. 94-02]

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.

Sedimentation - the process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited, or remains suspended in water, it is usually referred to as “sediment.”

Septic tank - a watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

Setback - the required horizontal distance between a setback line and a property or street line.

A. *Setback, Front* - the distance between the street line and the front setback line projected the full width of the lot; commonly called “front yard.”

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

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

[Ord. 94-02]

Setback line - a line within a property and parallel to a property or street line which delineates the required minimum distance between a structure and the property or street line. [Ord. 94-02]

Sewage disposal system, on-site - a system of piping tanks or other facilities serving a lot and collecting and disposing of sewage in whole or in part into the soil.

Sewage disposal system, 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.

Shoulder - the portion of a roadway (cartway) between the curb or gutter and the travelway intended for emergency and parking use.

Sight distance - the extent of unobstructed vision, in a horizontal or vertical plane, along a street, as defined in §22-504 of this Chapter.

Slope - the face of an embankment of 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 100 feet of horizontal distance.

Soil percolation test - a field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for onsite sewage disposal.

Street - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

A. *Arterial Street* - a street or road which is used primarily for fast or heavy traffic including all roads classified as Federal-aid highways by the Pennsylvania Department of Transportation.

B. *Collector Street* - a street which carries traffic from minor streets to a major system of arterial streets, including the principal entrance streets of a residential development.

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

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

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

F. *Service Drive or Alley* - a minor street which is used primarily for vehicle access to the back or side of properties otherwise abutting a street.

[Ord. 94-02]

Street grade - the officially established grade of the street upon which a lot fronts or, in its absence, the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade. [Ord. 94-02]

Street line - a line defining the edge of a street right-of-way and separating the

street from abutting property or lots, commonly known as the “right-of-way line.” [Ord. 94-02]

Structure - any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivision - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than, 10 acres, not involving any new street or easement access or any residential dwelling, shall be exempted. [Ord. 94-02]

Substantially completed - where, in the judgment of the Borough Engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter), 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. [Ord. 94-02]

Surveyor - a licensed surveyor registered by the Commonwealth of Pennsylvania.

Swale - a low-lying stretch of land characterized as a depression used to carry surface water runoff.

Top soil - surface soils and subsurface soils which normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Top soil is usually found in the uppermost soil layer called the A Horizon.

Undeveloped land - land in parcels sufficiently large for future land development which is presently in agriculture, woodland or lying fallow. [Ord. 94-02]

Unit - 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.

Water facility - any water works, water supply works, water distribution system, or part thereof, designed, intended, or constructed to provide or distribute potable water.

Watercourse - a stream of water, river, brook, creek or a channel, or ditch for water, whether natural or man-made.

Water survey - an inventory of the source, quantity, yield and use of groundwater and surface water resources of the Borough. [Ord. 94-02]

(Ord. 90-9, 9/10/1990, §202; as amended by Ord. 91-2, 4/1/1991; by Ord. 94-02, 5/2/1994, Art. I; and by Ord. 2006-3, 7/10/2006)

Part 3**Procedures****§22-301. Preapplication Consultation.**

Copies of this Chapter shall be available at reasonable charge on request for the use of any person who desires information concerning subdivision and land development standards and procedures in effect within North York Borough. Any prospective developer may request a consultation with the Borough Council at any regularly scheduled meeting to discuss and review tentative plans and discuss the applicability of the provisions of this Chapter.

(*Ord. 90-9, 9/10/1990, §301; as amended by Ord. 94-02, 5/2/1994, Art. II*)

§22-302. Sketch Plan.

1. Where a land development plan includes improvements, the developer may submit a sketch plan to the Borough Codes Enforcement Officer. [*Ord. 2006-3*]

2. Such sketch plan will be considered as submitted for formal review and discussion and shall not constitute formal filing with the Borough.

3. As far as may be practical on the basis of the sketch plan review and discussion, the Borough will informally advise the developer as promptly as possible of the extent to which the proposed land development conforms to the design standards of this Chapter (Part 5) and will discuss possible plan modifications necessary to secure conformance.

(*Ord. 90-9, 9/10/1990, §302; as amended by Ord. 94-02, 5/2/1994, Art. II; and by Ord. 2006-3, 7/10/2006*)

§22-303. Submission of Plans.

1. Not less than 10 days before the regular Borough Council meeting, applications for approval of preliminary and final plans for all proposed land developments lying within the Borough shall be submitted to the Borough Codes Enforcement Officer, who in turn shall initiate the review process and notify the Borough Council. Such submission of plans shall be accompanied by a fee as specified in §22-804. [*Ord. 2006-3*]

2. The initial plan filed with the Borough Council shall be considered as a preliminary plan. However, in the event that an initial land development is five lots or less and involving no new streets or other public improvements, the developer may proceed directly to final plan preparation in compliance with the requirements of §22-405. A feasibility study as specified in §22-403 shall accompany the plan submission. The processing of a minor land development shall be consistent with the procedures for processing a final plan as required by this Part.

3. The developer shall submit the preliminary and final plans drawn on linen or mylar along with at least three copies, blue or black line paper prints, as well as two copies of the required supporting data. Preliminary and final plans shall comply with the requirements of Part 4. [*Ord. 2006-3*]

(*Ord. 90-9, 9/10/1990, §303; as amended by Ord. 94-02, 5/2/1994, Art. II; and by Ord.*

2006-3, 7/10/2006)

§22-304. Referral of Plans.

1. All plans, whether preliminary or final, shall be forwarded by the Borough Council or Borough Codes Enforcement Officer to the Borough Planning Commission for review and recommendation. If no report is received within 75 days, such plan shall be considered as receiving favorable review and recommendation from the Planning Commission. [*Ord. 2006-3*]

2. The Borough Council, Borough Codes Enforcement Officer or developer, at the direction of the Borough, may also notify the following agencies as necessary for review and recommendations in writing that the plan, whether preliminary or final, has been received and will be considered at its meeting of specified date: [*Ord. 2006-3*]

A. Two copies of the plan, two copies of a feasibility report on water and sewer facilities and three copies of the plan module transmitted to the local office of the Pennsylvania Department of Environmental Protection for review and recommendations. [*Ord. 2006-3*]

B. One copy transmitted to the local office of the York County Conservation District for review and recommendations concerning erosion, sediment and drainage control. [*Ord. 2006-3*]

C. One copy transmitted to the local office of the Pennsylvania Department of Transportation for review and recommendations where the land development will front on an existing State highway or has a proposed street entering such highway.

D. One copy transmitted to the York County Planning Commission as required by §22-103 of this Chapter.

E. One copy transmitted to each affected public utility, which shall be requested to make recommendations as to the suitability of installing underground facilities.

F. One copy transmitted to the Borough Engineer or other authorized person for review of engineering requirements.

(*Ord. 90-9, 9/10/1990, §304; as amended by Ord. 94-02, 5/2/1994, Art. II; and by Ord. 2006-3, 7/10/2006*)

§22-305. Review of Plans.

1. All plans, whether preliminary or final, shall be reviewed by the Borough with the reference to the following:

A. The standards and requirements of this Chapter.

B. Any proposals contained in the North York Borough Comprehensive Plan.

C. Any proposals contained in the North York Borough Comprehensive Sewage Plan.

D. Site suitability for the particular type of development proposed.

E. The availability for necessary services and facilities.

F. The requirements of the North York Borough Zoning Ordinance [Chapter

27].

G. The requirements of any other applicable Borough ordinances.

H. The Official Map of the Borough.

I. The improvements, design and dedications or reservations required by this Chapter.

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

A. Township Engineer.

B. York County Planning Commission.

C. Pennsylvania Department of Environmental Protection. [*Ord. 2006-3*]

D. York County Conservation District.

E. Pennsylvania Department of Transportation.

F. Affected public utilities.

G. Interested citizens.

(*Ord. 90-9, 9/10/1990, §305; as amended by Ord. 94-02, 5/2/1994, Art. II; and by Ord. 2006-3, 7/10/2006*)

§22-306. Public Hearings.

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

(*Ord. 90-9, 9/10/1990, §306; as amended by Ord. 94-02, 5/2/1994, Art. II*)

§22-307. Approval of Plans.

1. At a scheduled public meeting the Borough Council shall render its decision on the plan, whether preliminary or final, and communicate its decision to the applicant not later than 90 days after such plan has been submitted.

2. Final plan approval shall not be granted until such improvements as required by this Chapter and shown on such final plan have been completed or guarantee posted as required in Part 6.

3. The decision of the Borough Council concerning plan approval, whether preliminary or final, shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 5 days following the decision.

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

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

(*Ord. 90-9, 9/10/1990, §307; as amended by Ord. 94-02, 5/2/1994, Art. II*)

§22-308. Effect of Preliminary Plan Approval.

1. Approval of the preliminary plan by the Borough Council constitutes conditional approval of the development as to the character and intensity of development, the general layout and the approximate dimensions of streets, lots and other planned features. The approval binds the developer to the general scheme shown on the preliminary plan.

2. Approval of the preliminary plan shall not constitute approval of the final plan, nor does it authorize recording of the preliminary plan or the sale of any lots. However, such approval does authorize the developer to proceed with the preparation of the final plan, installation and construction of improvements and/or the posting of a bond or guarantee as specified in this Chapter.

(*Ord. 90-9, 9/10/1990, §308; as amended by Ord. 94-02, 5/2/1994, Art. II*)

§22-309. Effect of Final Plan Approval.

1. Approval of the final plan by the Borough Council constitutes final approval of the land development as to the character and intensity of development, the layout and the dimensions of streets, lot and other planned features. This approval binds the developer to the scheme shown on the final plan.

2. Final approval authorizes the developer to proceed with the recording of the final plan which must be accomplished before the developer can proceed with the sale of any lots or the construction of buildings or structures.

(*Ord. 90-9, 9/10/1990, §309; as amended by Ord. 94-02, 5/2/1994, Art. II*)

§22-310. Recording of Final Plan.

1. Upon approval of the final plan, the developer shall, within 90 days of such approval, record such plan in the office of the Recorder of Deeds of York County. Within 30 days after such recording, the developer shall furnish proof of recording two copies of final plan with date, book and page number of recording in the Recorder of Deeds Office of York County to the Borough Council. Should the developer fail to record the final plan within such period, the approval of the Borough Council shall be null and void, and the plan must be refiled and reapproved.

2. Recording of the final plan shall not constitute grounds for assessment increase until such time as lots are sold or improvements are installed on the land included within the subject plan.

(*Ord. 90-9, 9/10/1990, §310; as amended by Ord. 94-02, 5/2/1994, Art. II*)

§22-311. Resubdivision.

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

(*Ord. 90-9, 9/10/1990, §311; as amended by Ord. 94-02, 5/2/1994, Art. II*)

§22-312. Effect of Change in This Chapter.

Changes in this Chapter shall affect plats as follow:

A. From the time of an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Chapter, and while such application is

pending approval or disapproval, no change or amendment of this Chapter, Zoning or other governing ordinance or plan, shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly approved. The applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

B. When an application for an approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in this Chapter, zoning or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval.

C. Where final approval is preceded by preliminary approval, the aforesaid 5 year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of this Chapter or the governing ordinance or plans as they stood at the time when the application for such approval was duly filed.

D. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid 5-year limit, or any extension thereof as may be granted by the Borough Council, no change of any ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.

E. In the case of a preliminary plat calling for the installation of improvements beyond the 5-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Borough Council in its discretion.

F. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25 percent of the total number of dwelling units as depicted in the preliminary plan, unless a lesser percentage is approved by the Borough Council in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with the landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protection afforded by substantially completing the improvements depicted upon the final plat within 5 years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said 5-year period the aforesaid protection shall apply for any additional term or

terms of 3 years from the date of final plat approval for each section.

G. Failure of the landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in this Chapter, zoning and other governing ordinance enacted by the Borough subsequent to the date of the initial preliminary plan submission.

(*Ord. 90-9, 9/10/1990, §312; as amended by Ord. 94-02, 5/2/1994, Art. II*)

§22-313. Affect of Plat Approval on Official Map.

After a plat has been approved and recorded as provided in this Chapter, all streets and public grounds on such plat shall be and become a part of the Official Map of, the Borough without public hearing.

(*Ord. 90-9, 9/10/1990, §313; as amended by Ord. 94-02, 5/2/1994, Art. II*)

Part 4**Plan Requirements****§22-401. Sketch Plan.**

1. A sketch plan may be submitted by the subdivider or developer as a basis for informal discussion with the Planning Commission, which may comment upon such sketch plan, but no approval or disapproval shall be given.

2. Data furnished in a sketch plan shall be at the discretion of the subdivider. For fullest usefulness, it is suggested that a sketch should include the following information:

- A. Tract boundaries.
- B. Location within the Borough of North York.
- C. North point.
- D. Streets on and adjacent to the tract.
- E. Significant topographical physical features including floodplains if any.
- F. Proposed general street layout.
- G. Proposed general lot layout, including location of proposed open space and other preservation areas.

3. A subdivision sketch plan need not be to scale nor are precise dimensions required.

(*Ord. 90-9, 9/10/1990, §401*)

§22-402. Preliminary Plan.

1. The preliminary plan shall be at a scale of not more than 50 feet to the inch. [*Ord. 2006-3*]

2. The preliminary plan shall show or be accompanied by the following information:

- A. Proposed subdivision or land development name or identifying title.
- B. The "Borough of North York" name.
- C. North point, scale, and date of preparation.
- D. Name(s) and addresses of the owner(s) of the property, including reference to deed book, volume and page of current legal owner.
- E. Name of the registered engineer or surveyor or other person responsible for the plan.
- F. Tract boundaries, with bearings and distances.
- G. Existing contours at vertical intervals of 2 feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract. [*Ord. 2006-3*]

H. Datum to which contour elevations refer shall be U.S. Coast and Geodetic Survey datum. (The Borough of North York will furnish elevations of nearest

known bench marks.)

I. All existing watercourses, floodplains, or tree masses and other significant natural features.

J. All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants, and other significant man-made features.

K. All existing streets on or adjacent to the tract, including name, right-of-way width and cartway width.

L. All existing property lines, easements, and rights-of-way, and the purpose for which the easements or rights-of-way have been established.

M. Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions and areas of all lots; proposed minimum setback line for each street; playgrounds, public buildings, public areas, and parcels of land proposed to be dedicated or reserved for public use; proposed street names; proposed watercourses and detention ponds; proposed phasing of land development; typical section of all streets.

N. Total acreage, number of lots, average lot size, density, open space, and existing zoning classification.

O. Names of owners of all adjoining properties and the names of all abutting subdivisions.

P. A location map, at a scale of 2,000 feet to the inch, showing the proposed development and adjoining areas, will be required. [*Ord. 2006-3*]

Q. Where the preliminary plan covers only a part of the subdivider's entire holding, a sketch shall be submitted of the prospective street layout for the remainder.

R. Where applicable, a plan revision module for land development shall be the responsibility of the applicant and shall be prepared in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection. The completed module shall accompany the preliminary plan submission. [*Ord. 2006-3*]

S. When on-lot water supply is proposed, the location of all well sites shall be shown.

T. When required by §22-512 of this Chapter, a proposed soil erosion and sedimentation control plan shall be submitted to the York County Conservation District. [*Ord. 2006-3*]

U. When required, the information required by §22-513 of this Chapter, which may be a separate plan, shall be submitted.

V. Block for signatures of the reviewing agency membership and date of recommendation, as per example in Appendix 22-A.

W. Block for signatures of the Council of the Borough of North York and date of approval, as per example in Appendix 22-A.

X. Land development plans shall show building locations and parking areas in addition to the above information.

Y. A letter from the subdivider specifically requesting any waiver from the regulations herein established and citing the reasons for same.

Z. An approval block providing for the signature of the reviewing agency and the Council of the Borough of North York and the date of approval, as per example in Appendix 22-A. [*Ord. 2006-3*]

AA. An appropriate statement signed by owner unequivocally indicating his intention either: (1) to dedicate for public use all streets, roads, easements and rights-of-way so intended and designated; or (2) to reserved as private any streets, roads, easements or rights-of-way intended not to be dedicated for public use. [*Ord. 2006-3*]

BB. A statement of acknowledgment in legal form, executed by a notary, stating that the subdivider is the owner or equitable owner of the land proposed for subdivision, and that the subdivision as shown on the final plan is the act and deed of the subdivider and that it is desired to record the same. [*Ord. 2006-3*]

(*Ord. 90-9, 9/10/1990, §402; as amended by Ord. 2006-3, 7/10/2006*)

§22-403. Final Plan.

1. Final plans shall be on sheets 24 inches by 36 inches. Where necessary to avoid sheets larger than the size prescribed, final plans shall be drawn in two or more sections. The plan shall be drawn and annotated in accordance with the “Subdivision Plan Form” shown as Appendix 22-A hereto. The final plan shall be at a scale of not more than 50 feet to the inch. [*Ord. 2006-3*]

2. The final plan shall include or be accompanied by the following:

A. Subdivision name or identifying title.

B. The “Borough of North York” name.

C. North point, scale, date of preparation, and date of preliminary plan approval.

D. Name and address of the record owner and subdivider or land developer, including reference to deed book, volume and page of current legal owner.

E. Name and seal of the registered professional engineer or surveyor responsible for the plan.

F. Tract boundaries with bearings and distances.

G. All existing streets and driveways on or adjacent to the tract, including name, right-of-way width, cartway width, street lines, lot lines, rights-of-way, easement and areas dedicated or proposed to be dedicated to public use.

H. Sufficient data, including bearing and length, to locate every street, lot, easement, right-of-way, and boundary line upon the ground.

I. The length of all straight lines, radii, lengths of curves, and tangent bearings for each street.

J. The proposed building setback line for each street and the proposed placement of each building, except placement for single-family dwellings.

K. Location and width of all rights-of-way, easements, and the purpose for which the rights-of-way and easements were established.

L. Location of all sanitary and storm sewer easements, and location of all watercourses and detention ponds, whether public or private.

M. All dimensions shall be shown in feet and hundredths of a foot.

N. Lots within a subdivision shall be numbered and their area shown within the lot boundaries; house number, as assigned by the Borough of North York, shall also be shown therein.

O. Typical section for all proposed streets.

P. Permanent reference monuments shall be shown on the plan, thus “ ”, and designated existing or proposed.

Q. Names of the adjoining subdivisions shall be shown.

R. Names of the owners of any adjoining unplatted land shall be shown.

S. An approval block providing for the signature of the reviewing agency and the Council of the Borough of North York and the date of approval, as per example in Appendix 22-A

T. An appropriate statement signed by owner unequivocally indicating his intention either: (1) to dedicate for public use all streets, roads, easements and rights-of-way so intended and designated; or (2) to reserved as private any streets, roads, easements or rights-of-way intended not to be dedicated for public use.

U. A statement of acknowledgment in legal form, executed by a notary, stating that the subdivider is the owner or equitable owner of the land proposed for subdivision, and that the subdivision as shown on the final plan is the act and deed of the subdivider and that it is desired to record the same.

V. A copy of the sewage “Plan Revision Module for Land Development” or other equivalent documentation approved by the Department of Environmental Protection in compliance with the requirements of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.* [Ord. 2006-3]

W. If water is to be provided by an off-lot source, evidence must be presented to the Borough that the development will be supplied by a certified public utility, cooperative association or authority.

3. *Improvements and Construction Plan.*

A. The improvement construction plan(s) shall be at any of the following scales:

<i>Horizontal</i>	<i>Vertical</i>
50'/inch	5'/inch [Ord. 2006-3]
40'/inch	4'/inch

B. It shall show the following:

- (1) Subdivision name or identifying title.
- (2) North point, scale, and date.
- (3) Name of the owner of record, the subdivider, and telephone numbers.
- (4) Name and seal of the registered professional engineer or surveyor responsible for the plan.
- (5) Center line of streets with bearings, distances, curve data, sight distances, and stations corresponding to the profile.

- (6) Right-of-way and curb lines of streets with radii at intersections.
 - (7) Beginning and end of proposed construction of streets.
 - (8) Tie-ins by courses and distances of intersection of all public roads with their names and widths.
 - (9) Location of all monuments with reference to them.
 - (10) Property lines and ownership of abutting properties.
 - (11) Location and size of all drainage structures, public utilities, street names signs, and shade trees.
 - (12) Location and size of storm and/or sanitary sewer lines with stations corresponding to the profile.
 - (13) Location of storm and/or sanitary sewer manholes or inlets with grade between and elevation of flow line and top of each manhole or inlet.
 - (14) Property lines and ownership, with details of easements where required.
 - (15) Beginning and end of proposed construction of storm and/or sanitary sewer.
 - (16) Location of storm and/or sanitary sewer laterals, Ys, etc.
 - (17) Location of all other drainage facilities and public utilities.
 - (18) Profile of existing ground surface along center line of street.
 - (19) Proposed center line grade of streets with percent of grade on tangents and elevations at 50-foot intervals, including grades at intersections, control points, etc.
 - (20) Vertical curve data of streets, including length and elevations and sight distance as required by Engineer.
 - (21) Profile of existing ground surface with elevations at top of manholes or inlets.
 - (22) Profile of storm drain or sewer, showing size of pipe, grade, cradle (if any), manhole or inlet locations, elevations at flow line.
4. Grading and drainage plan, prepared in accordance with §§22-506 and 22-507 of this Chapter.
 5. Soil erosion and sedimentation control plan when required by §22-512 of this Chapter.
 6. When required, the information required by §22-513 of this Chapter, which may be a separate plan, shall be submitted.
 7. A copy of final deed restrictions or protective covenants.
 8. A copy of any and all proposed written easements or deeds to be granted, including but not limited to, storm drainage easements, recreation easements or dedication, or agreements to pay a fee in lieu thereof, and sanitary sewer easements.
 9. Written agreement of land developer or subdivider in a form approved by the Council of the Borough of North York including: an agreement to construct in form and substance agreeable to the Borough of North York required improvements including but not limited to streets, curbs, sidewalks, and storm drainage facilities.

10. An approved Department of Environmental Protection planning module where on-lot sewage disposal systems or community treatment systems are proposed, or written proof of the Department of Environmental Protection's approval for the extension of existing sanitary sewer service. [*Ord. 2006-3*]

11. If required, a highway occupancy permit or review and written approval by the Pennsylvania Department of Transportation.

12. Approval by the U.S. Postal Service of street names.

13. Plans of bridges and other improvements shall contain sufficient information to provide complete working plans for the proposed construction and be approved by the York County Conservation District. [*Ord. 2006-3*]

14. Typical cross-section of street showing:

- A. Right-of-way width and location and width paving.
- B. Type, thickness and crown, and paving.
- C. Type and size of curb.
- D. Grading of sidewalk area.
- E. Location, width, type, and thickness of sidewalks.
- F. Typical location of sewers and utilities with sizes.

15. Approval by the York County Conservation District of the Erosion Control Plan. [*Ord. 2006-3*]

(*Ord. 90-9, 9/10/1990, §403; as amended by Ord. 2006-3, 7/10/2006*)

§22-404. As-built Plans.

The subdivider or developer will furnish the Borough of North York with as-built plans for sanitary sewer systems and storm sewer systems within the subdivision or land development including lateral locations (depth and size) and clean out locations.

(*Ord. 90-9, 9/10/1990, §404; as amended by Ord. 2006-3, 7/10/2006*)

Part 5**General Design Principles****§22-501. Application.**

The following principles, standards, and requirements will be applied by the Council of the Borough of North York and Planning Commission to evaluating plans for proposed subdivision or land developments. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals, and general welfare. Where literal compliance with the standards herein specified is clearly impractical, the Council of the Borough of North York may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Chapter.

(*Ord. 90-9, 9/10/1990, §501*)

§22-502. Land Requirements.

1. Land shall be suited to the purposes for which it is to be subdivided or developed.

2. Land which is unsuitable for development because of hazards to life, safety, health, or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the subdivision or land development plan. Land included as having unsuitable characteristics would be the following:

- A. Land subject to flooding or which has a high ground water table.
- B. Land which, if developed, will create or aggravate a flooding condition upon other land.
- C. Land subject to subsidence.
- D. Land subject to underground fires.
- E. Land containing significant areas of slopes greater than 10 percent.
- F. Land which, because of topography or means of access, is considered hazardous by the Council of the Borough of North York.
- G. Land which is subject to ground pollution or contamination.

3. Proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.

4. Proposed land uses shall conform to the North York Borough Zoning Ordinance [Chapter 27].

(*Ord. 90-9, 9/10/1990, §502*)

§22-503. Street System.

1. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Borough of North York and shall be coordinated with existing or proposed streets in adjoining subdivisions or land developments.

2. Proposed streets shall further conform to such County and State road and highway plans as have been prepared, adopted, or filed as prescribed by law.

3. Streets shall be related to the topography so as to produce usable lots and acceptable grades.

4. Access shall be given to all lots and portions of the tract in the subdivision or land development and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision or land development and shall be improved to North York Borough specifications. Reserve strips and land locked areas shall not be created.

5. Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, arterial streets shall be designed for use by through traffic.

6. Where the proposed subdivision or land development contains or is adjacent to an existing or proposed arterial street or a highway designated as a limited access highway by the appropriate highway authorities, provisions shall be made for marginal access streets at a distance acceptable for the appropriate use of the land between the arterial street or limited access highway and the marginal access streets. The Council of the Borough of North York may also require rear service areas, double frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets, and separation of local and through traffic.

7. Half or partial streets will not be permitted in new subdivisions or land developments except where essential to reasonable subdivision or development of a tract in conformance with the other requirements and standards of this Chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

8. Wherever a tract to be subdivided or developed borders an existing half or partial street, the entire street shall be shown on the plan.

9. Dead-end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.

10. New reserve strips, including those controlling access to streets, shall be forbidden.

11. Where adjoining areas are not subdivided, the arrangement of streets in a proposed subdivision or land development shall be made to provide for the proper projection of streets into the unsubdivided land.

12. Street names shall be coordinated with existing or platted street names, and if new street is a continuation of or is aligned with an existing or platted street, it shall bear the same name as the existing or platted street.

13. No street shall be laid out or opened which extends to or crosses any boundary between the Borough of North York and any other municipality except with the specific approval of the Council of the Borough of North York and upon such conditions as the Council of Borough of North York may impose. If the street is proposed to serve a commercial area, an industrial area or a residential area of 50 dwelling units or more,

located in another municipality, the street shall not be approved unless the area is also served by a street in the other municipality and unless the relevant traffic facilities of the Borough of North York are adequate to handle the anticipated volume.

14. All streets shall have a uniform width throughout their respective lengths except where otherwise required by the Council of the Borough of North York pursuant to §§22-504.2 and .3.

(Ord. 90-9, 9/10/1990, §503)

§22-504. Street Design.

1. *Street Classification.* Three functional classifications are hereby established for the streets and roads in the Borough of North York:

A. *Arterial.* This classification includes highways which provide intra-county or inter-municipal traffic of substantial volumes where the average trip lengths are usually 5 miles or greater. Generally these highways should accommodate operating speeds of 35 to 55 miles per hour.

B. *Collector.* This classification is intended to include those highways which connect local access highways to arterial highways. They may serve intra-county and intra-township traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping and other service. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of 35 miles per hour.

C. *Local Access.* 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. These streets and roads should be designed for operating speeds of 25 miles per hour or under.

2. *Right-of-Way Widths.*

A. Minimum widths for each type of public street shall be as follows:

Type of Street	Right-of-way Width	Cartway Width
Arterial	80' - 120'	46'
Collector	60'	34'
Local Access	50'	30'

B. Where a proposed subdivision abuts or contains an existing public street or road having a right-of-way width less than would be required if said street or road were created under this Chapter, sufficient additional width for right-of-way shall be provided and dedicated to meet the foregoing standards.

C. Additional right-of-way and cartway widths may be required by the Council of the Borough of North York to promote public safety and convenience when special conditions require it and to provide parking space in areas of intensive use.

3. *Cul-de-sac Streets.*

A. Cul-de-sac streets, whether permanent or temporary, shall be provided at

the closed end with a turnaround having a minimum radius to the edge of the finished street or curb line of not less than 40 feet and right of way not less than 50 feet. [Ord. 2006-3]

B. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround.

C. Commercial and industrial cul-de-sacs shall be reviewed for adequacy by the North York Borough Engineer. His recommendations will be given to the Council of the Borough of North York who shall have final authority in this matter.

D. Permanent cul-de-sac streets shall be kept to a minimum and shall not exceed 600 feet in length.

4. *Street Alignment.*

A. Whenever street lines are deflected by more than 5 degrees, connection shall be made by horizontal curves.

B. The minimum radius at the center line for horizontal curves on collector and arterial streets shall be 300 feet, and for local streets the minimum radius shall be 100 feet.

C. On local access streets, the minimum tangent between reverse curves shall be at least 100 feet; on collector and arterial streets, the minimum tangent be at least 250 feet.

D. Minimum vertical sight distance measured 3½ feet above grade shall be 300 feet for collector and arterial streets and 100 feet for access streets.

5. *Street Grades.*

A. The minimum grade on all streets shall be 1 percent. [Ord. 2006-3]

B. The maximum grade on collector or arterial streets shall be 7 percent and on local access streets 10 percent.

C. Multiple intersections involving the junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.

D. Streets shall be all laid out to intersect as nearly as possible at right angles. Local streets shall not intersect collector or arterial streets at an angle of less than 75 degrees. The intersection of two local streets shall not be at an angle of less than 60 degrees.

E. Minimum curb radius at the intersection of two local streets shall be at least 20 feet; and minimum curve radius at an intersection of a local street and a collector or arterial street shall be at least 25 feet.

F. There shall be provided and maintained at all intersections clear sight triangles of 75 feet in all directions measured along the centerline from the point of intersection. Nothing which obstructs the vision of a motorist shall be permitted in this area.

G. Intersections shall be designed with a flat grade wherever practical. Where

the grade of any street at the approach to an intersection exceeds 7 percent, a leveling area shall be provided having a grade of not greater than 4 percent for a distance of 25 feet measured from the nearest right-of-way line of the intersecting street.

6. *Pavement Design.*

A. All components of the pavement structure shall be designed and constructed in accordance with Pennsylvania Department of Transportation Specifications, Form 408.

B. *Minimum Requirements.* The following shall be considered to be minimum standards for street construction in the Borough of North York:

(1) One and one-half inch ID-2 wearing, 2 inch ID-2 binder and 8 inch 2A stone base.

[*Ord. 2006-3*]

7. *Alleys and Driveways.*

A. Alleys are prohibited in residential developments.

B. Driveways serving properties located adjacent to an intersection shall be offset from the intersection of the curb line a distance not less than the required setback dimension.

(*Ord. 90-9, 9/10/1990, §504; as amended by Ord. 2006-3, 7/10/2006*)

§22-505. Curbs and Sidewalks.

1. *Curbs.*

A. Curbs shall be provided on all streets and parking compounds located within multi-family and apartment building developments. Curbs shall also be required on new streets in subdivisions or land developments in which the average lot width of interior lots at the required building setback line is 100 feet or less. Curbs may also be required in any subdivision in which the lot areas or lot widths exceed the above minimum, when the center line street grade of any street exceeds 3 percent. In such cases curbs or other drainage controls shall be installed to properly control surface drainage and protect the streets from erosion. The requirement of curbs may be waived at the discretion of the Council of the Borough of North York.

B. All curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks where provided.

C. Curbs may be either the vertical or type or slant curb and gutter type. The transition from one type of curb to another shall occur only at street intersections.
[*Ord. 2006-3*]

D. All curbs shall be constructed of Portland cement concrete with expansion joints every 20 feet, and shall follow PennDOT standards where applicable.

2. *Sidewalks.*

A. Sidewalks shall be provided on all streets and parking compounds located within multi-family and apartment building developments. Sidewalks shall also be required on new streets in subdivisions or land developments in which average lot

width of interior lots at the required building setback line is 100 feet or less. The requirement of sidewalks may be waived at the discretion of the Council of the Borough of North York.

B. Minimum widths for sidewalks along each type of public street shall be 4 feet, and shall follow PennDOT specifications where applicable.

(*Ord. 90-9, 9/10/1990, §505; as amended by Ord. 2006-3, 7/10/2006*)

§22-506. Stormwater Drainage.

1. Lots shall be laid out and graded to provide positive drainage away from buildings. The Council of the Borough of North York may require a grading and drainage plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured.

2. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or water course without having obtained prior approval from the Borough of North York or Department of Environmental Protection, whichever is applicable. In addition, all applicants for subdivision and/or land development approval shall comply with the North York Borough Stormwater Management Ordinance [Chapter 17], if applicable. [*Ord. 2006-3*]

3. Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

4. The Borough of North York will assure that all permanent streams, not under jurisdiction of other official agencies, are maintained open and free flowing.

5. The subdivider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to:

A. Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.

B. Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the Comprehensive Plan for the Borough of North York.

C. Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, detention pond, or natural water course.

6. Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural water courses, to drain all low points along streets, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.

7. Storm sewers, as required, shall be placed in front of the curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be centered within an easement not less than 20 feet wide, as approved by the North York Borough Engineer, who may require additional width of easement as circumstances

warrant. [Ord. 2006-3]

8. Street drainage will not be permitted to cross intersections or the crown of the road.

A. Maximum spacing of street inlets shall not exceed 400 feet. [Ord. 2006-3]

B. All street inlets shall be PennDOT Type C or M. Inlet tops shall be cast in place reinforced concrete or precast concrete.

C. All culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections.

D. Minimum pipe size shall be 15 inch diameter.

E. When material for storm drain systems is not specified, PennDOT specifications will govern.

9. All springs and sump pumps discharge shall be collected so as not to flow in the streets.

10. Storm roof drains shall not discharge water directly over a sidewalk.

11. Stabilized outlets shall be provided for footer drains, floor drains, and downspouts.

12. The Soils Cover Complex Method of the Soil Conservation Service of the U.S. Department of Agriculture shall be used as the primary means of estimating stormwater runoff.

13. The Rational Method may be used for analysis of storm sewer systems and for stormwater management facilities in minor subdivisions.

14. Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.

15. The minimum design criteria shall be a 10-year storm. Higher frequency conditions shall be used in sensitive areas and where an overflow would endanger public or private property, at the desecration of the Borough Engineer. [Ord. 2006-3]

16. Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.

17. *Control Facilities (Stormwater Basins)*. [Ord. 2006-3]

A. Permanent control measures/facilities shall be designed to assure that the maximum rate of stormwater runoff is not greater after development than prior to development for a 10-year storm frequency. More stringent criteria may be required in sensitive areas where stormwater problems presently exist.

B. Control facilities shall be designed to meet, as a minimum, the design standards and specifications of the York County Conservation District. [Ord. 2006-3]

(1) Detention ponds may be waived by the Council of the Borough of North York on the recommendation of the North York Borough Engineer at sites in close proximity to the major streams. This is to facilitate drainage prior to stream flooding.

(2) In areas underlain, with limestone geology, ponds shall be limited to the detention (dry) type unless the developer can show a special need for a retention pond, in which case it shall have a lining. Detention ponds shall be

prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before acceptance by the Borough, a lining shall be required.

(3) Any ponds with slopes steeper than a maximum 3 to 1 side slopes shall be fenced with a 6-foot fence with a type subject to the approval of the Borough. [*Ord. 2006-3*]

C. A maintenance program for control facilities must be included as part of the grading and drainage plan.

(1) Maintenance during development activities of a project shall be the responsibility of the contractor, developer, and owner.

(2) Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plans is given by the Borough of North York.

(3) In cases where permanent control facilities are owned by an entity, it shall be the responsibility of that entity to maintain control facilities (e.g., homeowners association). In such cases a legally binding agreement between the owner and the Borough of North York shall be made providing for maintenance of all permanent erosion control facilities, including the inspection by the Borough of North York.

(*Ord. 90-9, 9/10/1990, §506; as amended by Ord. 2006-3, 7/10/2006*)

§22-507. Lot Grading for Subdivision and Land Developments.

1. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. Minimum 2 percent slopes away from structures shall be required.

2. Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall be not less than 1 percent nor more than 4 percent. The swales shall be sodded, planted, or lined as required. A grading and draining plan shall be required for all subdivisions and land developments, except minor subdivisions.

3. No final grading shall be permitted with a cut face steeper in slope than 2 horizontal to 1 vertical except under one or more of the following conditions:

A. The material in which excavation is made is sufficiently stable to sustain a slope steeper than 2 horizontal to 1 vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the North York Borough Engineer and approved by him. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.

B. A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the North York Borough Engineer for review and approval is provided.

4. No final grading shall be permitted which creates any exposed surface steeper in slope than 3 horizontal to 1 vertical except under one or more of the following

conditions: [*Ord. 2006-3*]

A. The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining property, streets, alleys, or buildings.

B. A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the North York Borough Engineer.

C. A wall is constructed to support the face of the fill.

5. The top or bottom edge of slopes shall be a minimum of 3 feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, where walls or slopes are steeper than 1 horizontal to 1 vertical and 5 feet or more in height shall be protected by a protective fence no less than 3 feet in height approved by the North York Borough Engineer.

6. All lots must be kept free of any debris or nuisances whatsoever.

(*Ord. 90-9, 9/10/1990, §507; as amended by Ord. 2006-3, 7/10/2006*)

§22-508. Blocks and Lots.

1. The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, to the land use and/or zoning requirements of the Borough of North York, the topography of the land being subdivided, and the requirements for safe and convenient vehicular and pedestrian circulation.

2. Unless the topography of the land being subdivided or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required, the following minimum standards for the design and size of blocks and lots shall prevail:

A. Blocks shall not exceed 1,600 feet in length nor be less than 500 feet in length.

B. Residential blocks shall generally be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used, or where due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two tier design.

C. Crosswalks or interior pedestrian walks shall be required in blocks exceeding 1,000 feet in length to provide for pedestrian circulation or access to community facilities. Such walks shall be paved for width of not less than 4 feet, shall be located in easements not less than 10 feet in width, and shall, insofar as possible, be located in the center of any such block.

D. Blocks for commercial and industrial areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-

street loading shall also be provided with limited access to the street system. Extension of streets, railroad access right-of-way, and utilities shall be provided as necessary.

E. Lot lines intersecting street lines shall be substantially at right angles or radial to street lines.

F. Lots shall, in general, front on a street which has already been dedicated to the Borough of North York, or which the subdivider or developer proposes to dedicate to the Borough of North York in connection with approval of the final plan. In commercial or industrial subdivisions or land developments where access is proposed to be provided by private streets within the subdivision or land development, this requirement may be waived by the Council of the Borough of North York.

G. The Borough of North York shall assign house numbers to each lot within a subdivision.

H. Minimum lot sizes shall be in accordance with the North York Borough Zoning Ordinance [Chapter 27].

I. Remnants of land, smaller than required for a lot, shall not be permitted within any subdivision. Such remnants shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Council of the Borough of North York.

J. No residential lots shall be created which front upon an arterial or collector street, as defined in §22-504.1 herein.

(*Ord. 90-9, 9/10/1990, §508*)

§22-509. Development on Private Streets Discouraged.

1. It is the policy of this Borough that all subdivided lands shall have immediate access to a public street. Because of unique property configuration and location, this Borough recognizes the need for limited exceptions to the foregoing general policy.

2. No subdivision will be approved on a private street or road if more than two lots already front on such street or road or if after subdivision more than two lots will front on such private street or road.

(*Ord. 90-9, 9/10/1990, §509*)

§22-510. Open Space, Lot Siting, Planting, and Beautification for Subdivision and Land Development.

1. In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has preserved existing salient natural features and land forms intrinsic to the site shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features, such as, but not limited to, trees, wooded areas and water courses.

2. *Open Space.* Where the applicant is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a "limit of work," which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation

and prevent despoliation of the character of the area in open space.

3. *Tree Preservation.* Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area, or within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.

4. *Topsoil Preservation.* All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than 10 percent and shall be stabilized by sodding on slopes 10 percent or more than planted in ground cover on slopes 20 percent or greater.

5. *Landscaping.* For all multi-family, apartment, office, commercial, and industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees, and natural barriers.

6. *Buffer Planting Requirements.* Buffer yard requirements should be as specified in the North York Borough Zoning Ordinance [Chapter 27].

7. *Preserved Landscaping.* When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.

8. *Trees.* The planting of trees within the street right-of-way line shall not be permitted. The planting of any trees within the private property of each residential lot shall be at the discretion of the property owner or developer.

9. *Watercourse Protection.* Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage. Such easement shall be in addition to the open space required in subsection .2.

(Ord. 90-9, 9/10/1990, §510)

§22-511. Contribution for Recreation Purposes.

1. It is the policy of this Borough to provide recreational facilities for all the residents of the Borough of North York. Centralized facilities are preferred over local neighborhood facilities. New and additional facilities are required in direct proportion to increase in population. Developers causing increases in population by new residences must share in the cost of additional recreational facilities.

2. A contribution for recreation purposes shall be made at the rate of \$200 per dwelling unit payable upon and as a condition of obtaining an occupancy permit pursuant to the ordinances of this Borough.

3. The requirements of subsection .2 shall be noted upon the final subdivision plan, which notation shall be deemed not to constitute a lien or encumbrance on the title of the land.

4. All monies paid to the Borough of North York in this manner shall be kept in

a capital reserve fund established as provided by law. Monies in such fund may be combined for investment purposes, if permitted by law, but shall be used only for the acquisition of land or capital improvements for open space and park and recreation purposes.

5. The foregoing provisions of this Section shall not apply to any subdivision for which a preliminary plan has been approved by this Borough before the effective date of this Chapter which provides for active recreational facilities (i.e., swimming pool, tennis courts, baseball/softball fields, etc.) as distinguished from passive recreational facilities (i.e., yards, open play fields, walking trails, etc.), it being the intention of this Borough to extend a credit against the monetary contribution above provided to any developer who has heretofore planned to provide active recreational facilities agreeable to the Borough of North York.

(*Ord. 90-9, 9/10/1990, §511*)

§22-512. Erosion and Sediment Control.

1. General Purpose.

A. The Council of the Borough of North York finds that the minimization of erosion and control of sedimentation in connection with land development and subdivision are in the public interest, affecting public health, safety, and welfare, and therefore those regulations governing erosion control and sedimentation control are necessary for the Borough of North York.

B. No changes shall be made in the contour of the land, no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and reviewed by the York County Conservation District, or there has been a determination by the above entities that such plans are not necessary. [*Ord. 2006-3*]

C. No subdivision or land development plan shall be approved unless: (1) there has been an erosion and sedimentation control plan approved by the York County Conservation District that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the Borough of North York in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or (2) there has been a determination by the York County Conservation District that a plan for minimizing erosion and sedimentation is not necessary. [*Ord. 2006-3*]

D. Where not specified in this Chapter, measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the York County Conservation District. The North York Borough Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the York County Conservation District. [*Ord. 2006-3*]

2. *Performance Principles.* The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:

A. Stripping vegetation, regarding or other development shall be done in such

a way that will prevent all but minor erosion.

B. Development plans shall preserve salient natural features, keep cut-fill, operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

C. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

D. The disturbed area and the duration of exposure shall be kept to a practical minimum.

E. Disturbed soils shall be stabilized as quickly as practicable.

F. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

G. The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

H. Provisions shall be made so effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.

I. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, silt traps, or similar measures.

3. *Grading for Erosion and Other Environmental Controls.* In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

A. Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a subdivision or development. The wearing surface shall be installed in accordance with §22-504.7 and as approved in the final plan.

B. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas.

C. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

D. Fills placed adjacent to water courses shall have suitable protection against erosion during periods of flooding.

E. During grading operations, necessary measures for dust control will be exercised.

F. Grading equipment will not be allowed to enter into flowing streams. Provisions will be made for the installation of temporary or permanent culverts or bridges.

4. *Responsibility.*

A. Whenever sedimentation damage is caused by stripping vegetation, grading or other development, it shall be the collective responsibility of the land developer and subdivider, and of the contractor, person, corporation and other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as

quickly as possible.

B. Maintenance of all erosion and sedimentation control facilities during the construction and development period is the responsibility of the land developer or subdivider.

C. It is the responsibility of any developer or subdivider, and any person, corporation, or other entity doing any act on or across a communal stream, watercourse or swale, or upon the floodplain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during the pendency of the activity [and] to return it to its original or equal condition after such activity is completed.

D. The subdivider or land developer shall provide and install, at his expense, in accordance with York County Conservation District requirements, all drainage and erosion control improvements (temporary and permanent) shown on the erosion and sediment control plan. [*Ord. 2006-3*]

5. *Compliance With Regulations and Procedures.*

A. The Council of the Borough of North York, in their consideration of all preliminary plans of subdivision and land development, shall condition its approval upon the execution of erosion and sediment control measures as contained in subsections .2 and .3 hereof.

B. The installation and design of the required erosion and sediment control measures shall be in accordance with standards and specifications of the York County Conservation District. [*Ord. 2006-3*]

6. *Stream Channel Construction.* Stream channel construction shall conform to criteria established by the Pennsylvania Department of Environmental Protection. [*Ord. 2006-3*]

(*Ord. 90-9, 9/10/1990, §512; as amended by Ord. 2006-3, 7/10/2006*)

§22-513. Floodplain Area Regulations.

1. *Purpose.* The specific purposes of these special provisions are:

A. To regulate the subdivision or development of land within any designated floodplain area in order to promote the general health, welfare, and safety of the community.

B. To require that each subdivision lot in flood prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.

C. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated floodplain districts.

2. *Abrogation and Greater Restrictions.* To the extent that this Section imposes greater requirements or more complete disclosure than any other provisions of this Chapter, in any respect, or to the extent that the provisions of this Section are more restrictive than such other provisions, it shall control such other provisions of this Chapter.

3. *Disclaimer of Municipal Liability.* The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any designated floodplain area shall not constitute a representation, guarantee, or warranty of any kind by the Borough of North York or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Borough of North York, its officials, employees or agents.

4. *Application Procedures and Requirements.*

A. *Pre-application Procedures.*

(1) Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when onsite sewage disposal facilities are proposed. [Ord. 2006-3]

(2) Prospective developers shall consult the York County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development. [Ord. 2006-3]

B. *Preliminary Plan Requirements.* The following information shall be required as part of the preliminary plan and shall be prepared by a registered engineer or surveyor:

(1) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this Section.

(2) A map showing the location of the proposed subdivision or land development with respect to any designated floodplain area, including information on, but not limited to, the 100-year flood elevations, boundaries of the floodplain area or areas, proposed lots and sites, fills, flood, or erosion protective facilities, and areas subject to special deed restrictions.

(3) Where the subdivision or land development lies partially or completely within any designated floodplain area, or where the subdivision or land development borders on a floodplain area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of 2 feet, and shall identify accurately the boundaries of the floodplain areas. [Ord. 2006-3]

(4) Such other information as is required by this Chapter.

C. *Final Plan Requirements.* The following information shall be required as part of the final plan and shall be prepared by a registered engineer or surveyor:

(1) All information required for the submission of the preliminary plan incorporating any changes requested by the Council of the Borough of North York.

(2) A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any designated floodplain area. All such maps shall show contours at intervals of 2 feet within the floodplain area and shall identify accurately the boundaries

of the floodprone areas. [*Ord. 2006-3*]

(3) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, and any other Commonwealth agency, or local municipality where any alteration or relocation of a stream of watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation. The Department of Community and Economic Development and the Federal Insurance Administration shall also be notified in advance of any such proposed activity and proof of such notification shall be submitted in advance of the Planning Commission meeting at which such plan is to be considered. [*Ord. 2006-3*]

5. *Design Standards and Improvements in Designated Floodplain Areas.*

A. *General.*

(1) Where not prohibited by this or any other laws or ordinances, land located in any designated floodplain area 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.

(2) No subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will, individually or collectively, increase the 100-year flood elevation more than 1 foot at any point.

(3) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area in a floodplain area if the lowest floor (including basement) is elevated to the regulatory flood elevation. If fill is used to raise the elevation of a site, the fill area shall extend laterally for a distance of at least 15 feet beyond the limits of the proposed structures and access shall meet the requirements of subsection .5.C herein below.

(4) Building sites for structures or buildings other than for residential uses shall not be permitted in any floodway area. Sites for such structures or buildings outside the floodway in a floodplain area shall be protected as provided for in subsection .5.A(3) above. However, the Council of the Borough of North York may allow the subdivision 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 to the regulatory flood elevation.

(5) If the Council of the Borough of North York 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.

(6) When a developer does not intend to develop the plat himself and the Council of the Borough of North York determines that additional controls are required to insure safe development, they may require the developer to impose appropriate deed restrictions of the land. Such deed restrictions shall be

inserted in every deed and noted on every recorded plat.

B. *Drainage Facilities.*

(1) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.

(2) Plans shall be subject to the approval of the Council of the Borough of North York. The Council of the Borough of North York may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local, county and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

C. *Streets and Driveways.* The finished elevation of proposed streets and driveways shall not be more than 1 foot below the regulatory flood elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this Chapter shall be submitted with the final plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

D. *Sewer Facilities.* All sanitary sewer systems located in any designated floodplain area, whether public or private, shall be flood proofed up to the regulatory flood elevation.

E. *Water Facilities.* All water systems located in any designated floodplain area, whether public or private, shall be flood proofed up to the regulatory flood elevation.

F. *Other Utilities and Facilities.* All other public or private utilities and facilities including gas and electric, shall be elevated or flood proofed up to the regulatory flood elevation.

(Ord. 90-9, 9/10/1990, §513; as amended by Ord. 2006-3, 7/10/2006)

Part 6

Improvements, Dedication and Reservation

§22-601. Monuments and Markers.

1. *Specifications.* Monuments and markers must be follows:

	Material	Minimum Size
Monument	Stone	6" x 6" x 30"
Marker	Iron pipes or iron or steel bars	15" x 3/4" dia.

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

3. *Location of Monuments.* Monuments must be set:

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

4. *Location of Markers.* Markers must be set:

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

5. *Removal.* Any monuments or markers that are removed must be replaced by a registered surveyor at the expense of the person removing them.

(Ord. 90-9, 9/10/1990, §601; as amended by Ord. 94-02, 5/2/1994, Art. III; and by Ord. 2006-3, 7/10/2006)

§22-602. Streets.

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

2. The construction of all streets for acceptance by North York Borough shall comply with current Borough specifications.

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

(Ord. 90-9, 9/10/1990, §602; as amended by Ord. 94-02, 5/2/1994, Art. III)

§22-603. Curbs, Gutters and Sidewalks.

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

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

(*Ord. 90-9, 9/10/1990, §603; as amended by Ord. 94-02, 5/2/1994, Art. III*)

§22-604. Street Name Signs.

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

(*Ord. 90-9, 9/10/1990, §604; as amended by Ord. 94-02, 5/2/1994, Art. III*)

§22-605. Street Trees.

In developments where the developer desires to provide street trees, the trees should be:

- A. Of a minimum caliper of 1½ inches.
- B. Planted between the sidewalk and setback line at least 5 feet from the sidewalk.
- C. Uniformly spaced not less than 50 feet nor more than 100 feet apart along the entire length of each street within the development.
- D. *Varieties Acceptable to the Borough.* These varieties include:

Pyramidal European Hornbeam	Columnar Norway Maple
Norway Maple	Cleveland Pear [<i>Ord. 2006-3</i>]
Marshall's Seedless Ash	Greenspire Linden
Sugar Maple	Ginko (Male)
Red Oak	Pine Oak
Little Leaf European Linden	Tulip Poplar

(*Ord. 90-9, 9/10/1990, §605; as amended by Ord. 94-02, 5/2/1994, Art. III; and by Ord. 2006-3, 7/10/2006*)

§22-606. Street Lights.

1. For the safety, convenience and attractiveness of the development, onsite or public street lights shall be installed unless the Borough Engineer shall certify that conditions require otherwise.

2. Where electric service is supplied by underground methods, and prior to the installation of streets, curbs, sidewalks and driveways, the subdivider shall provide and install conduits where necessary to accommodate the installation of a street lighting system. In the event the utility company supplying electricity will not erect the street

lighting poles, standards or fixtures (to include lamp light and switches), the same shall be purchased, erected and installed by the subdivider. Installation and location of conduits will comply with the specifications of the appropriate public utility.

(*Ord. 90-9, 9/10/1990, §606; as amended by Ord. 94-02, 5/2/1994, Art. III*)

§22-607. Sewage Disposal.

1. Where a public sanitary sewer system is accessible to or plans approved by the Borough Council provide for the installation of such public sanitary facilities within 4 years, the developer shall provide the development with a complete sanitary sewer system ready to be connected to the existing or proposed sanitary sewer system.

A. The plan for the installation of a sanitary sewer system must be prepared for the development and approved by the Borough Engineer and the Pennsylvania Department of Environmental Protection. The Borough Engineer must inspect the sewer line before it is covered over. Upon completion of the sanitary sewer installation, the plan for the system as built must be filed with the Borough. [*Ord. 2006-3*]

B. Any sewer pipe main must be at least 8 inches in diameter and any sewer lateral must be at least 4 inches, 6 inches for commercial. Storm sewers may not be connected with sanitary sewers. [*Ord. 2006-3*]

C. Manholes shall be located generally at intervals of 250 feet and in no case more than 400 feet. Manholes are also required at all points of change of course or grade and at all points of intersection of sewer lines.

2. Where installation of a public sanitary sewer system is not required, the developer or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewerage disposal system consisting of a septic tank and tile absorption field or other sewerage disposal system approved by the Pennsylvania Department of Environmental Protection. [*Ord. 2006-3*]

A. If onsite subsurface or alternate sewage disposal systems are feasible, they must be laid out in accordance with the minimum standards of the Sewage Facilities Act, 35 P.S. §750.1 *et seq.* The Pennsylvania Department of Environmental Protection must inspect and approve each onsite sewage disposal system. [*Ord. 2006-3*]

3. All new or replacement sanitary sewer systems located in flood-prone areas, whether public or private, shall be floodproofed up to an elevation of 1 foot above the base flood elevation.

(*Ord. 90-9, 9/10/1990, §607; as amended by Ord. 94-02, 5/2/1994, Art. III; and by Ord. 2006-3, 7/10/2006*)

§22-608. Water Supply.

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

2. Where the connection to a public water supply is not possible or feasible, each lot must be provided with an individual water supply system prior to the issuance of a

building permit for dwelling units. All such individual systems shall meet all applicable regulations of the Pennsylvania Department of Environmental Protection. [*Ord. 2006-3*]

3. All new or replacement water systems located in flood-prone areas, whether public or private, shall be floodproofed to a point 1 foot above the base flood elevation. (*Ord. 90-9, 9/10/1990, §608; as amended by Ord. 94-02, 5/2/1994, Art. III; and by Ord. 2006-3, 7/10/2006*)

§22-609. Floodproofing of All Other Utilities.

All other new or replacement public and/or private utilities and facilities in flood-prone areas shall be elevated or floodproofed to a point 1 foot above the base of the flood elevation.

(*Ord. 90-9, 9/10/1990, §609; as amended by Ord. 94-02, 5/2/1994, Art. III*)

§22-610. Storm Drainage.

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

(*Ord. 90-9, 9/10/1990, §610; as amended by Ord. 94-02, 5/2/1994, Art. III*)

§22-611. Fire Hydrants.

1. Fire hydrants shall be installed if their water supply source is capable to serve them in accordance with the requirements of the local fire authority.

2. Fire hydrants, if provided, shall be located within 600 feet of any dwelling unit or structure open to the public. Fire hydrants shall be installed in accordance with all applicable regulations.

(*Ord. 90-9, 9/10/1990, §611; as amended by Ord. 94-02, 5/2/1994, Art. III*)

§22-612. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.

1. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be otherwise required by this Chapter and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Chapter have been installed in accordance with this Chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by this Chapter, The developer may deposit with the Borough financial security in an amount sufficient to cover the costs of such improvements or common amenities including basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

2. 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 revoked if the financial security agreement is not executed within 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.

3. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section.

4. 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.

5. Such bond, or other security, shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

6. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of ninety days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110 percent. Any additional security shall be posted by the developer in accordance with this subsection.

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

8. If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10 percent for each 1 year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements

as re-established on or about the expiration date of the preceding 1 year period by using the above bidding procedure.

9. In the case 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.

10. As the work for installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release, or authorize the release, from time to time, of such portions of the final security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough Council, and the Borough Council shall have 45 days from the receipt of such request within which to allow the Borough Engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Borough Council shall authorize release by the bonding company or lending institution in an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed or, if the Borough Council fails to act within said 45 day period, the Borough Council shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by its Engineer, require retention of 10 percent of the estimated cost of the aforesaid improvements.

11. When the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements, and the amount of financial security shall not exceed 15 percent of the actual cost of installation of said improvements.

12. 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 in this Section.

13. If financial security has been provided in lieu of the completion of improvements required as a condition for 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 upon the final plat. Moreover, if said 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 upon the

approved plan, either upon the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

(*Ord. 90-9, 9/10/1990, §612; as amended by Ord. 94-02, 5/2/1994, Art. III*)

§22-613. Release from Improvement Bond.

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report in writing with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after the 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 disapproval or rejection.

2. The Borough Council shall notify the developer, within 15 days of receipt of the Engineer's report, in writing by certified or registered mail, of the action of said Borough Council with relation thereto.

3. If the Borough Council or Borough Engineer 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 from all liability pursuant to its performance guaranty bond or other security agreement.

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

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

6. Where herein reference is made to the Borough Engineer, he shall be as a consultant thereto.

7. The applicant or developer shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the Borough Council and as from time to time amended. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough 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 or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.

A. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Borough 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 or any approval or permit related to development due to the applicant's request over disputed engineer's expenses.

B. If, within 20 days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Borough 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.

C. 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 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

D. In the event that the Borough and applicant cannot agree upon the professional engineer to be appointed within 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 in which the Borough is located (or if at the time there is 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 performed services for, the Borough or the applicant within the preceding 5 years.

E. 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.

(*Ord. 90-9, 9/10/1990, §613; as amended by Ord. 94-02, 5/2/1994, Art. III*)

§22-614. Remedies to Effect Completion of Improvements.

In the event that any improvements which may be required have not been installed as provided in this Chapter 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 the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Borough purpose.

(*Ord. 90-9, 9/10/1990, §614; as amended by Ord. 94-02, 5/2/1994, Art. III*)

§22-615. Offers of Dedication.

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

(*Ord. 90-9, 9/10/1990, §615; as amended by Ord. 94-02, 5/2/1994, Art. III*)

§22-616. Land Reservation.

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

(*Ord. 90-9, 9/10/1990, §616; as amended by Ord. 94-02, 5/2/1994, Art. III*)

§22-617. Effect of Plan Recording on Dedication and Reservations.

Recording the final plan after approval of the Borough Council has the effect of an irrevocable offer to:

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

(*Ord. 90-9, 9/10/1990, §617; as amended by Ord. 94-02, 5/2/1994, Art. III*)

Part 7**Mobile Home Parks****§22-701. Grant of Power.**

Provisions regulating mobile home parks as set forth in this Chapter are those pursuant to §501 of the Municipalities Planning Code, 53 P.S. §10501 *et seq.*

(*Ord. 90-9, 9/10/1990, §701*)

§22-702. Purpose, Authority, and Jurisdiction.

The purpose, authority and jurisdiction for land development as a mobile home park are the same as contained in Part 1 of this Chapter.

(*Ord. 90-9, 9/10/1990, §702*)

§22-703. General Procedure and Plan Requirements.

The general procedure and plan requirements for land developments as a mobile home park shall be in accordance with the requirements contained in Parts 3 and 4 of this Chapter.

(*Ord. 90-9, 9/10/1990, §703*)

§22-704. Design Standards.

The arrangements and other design standards of streets, easements, blocks, lots, stormwater management, erosion, and sedimentation control, and floodplain regulations shall be in accordance with the requirements contained in Part 5 of this Chapter, and the North York Borough Zoning Ordinance [Chapter 27].

(*Ord. 90-9, 9/10/1990, §704*)

§22-705. Improvements and Construction Requirements.

In a mobile home park all improvements, construction requirements, and engineering specifications for the improvements required, shall be provided in accordance with Part 4 and Part 6 of this Chapter.

(*Ord. 90-9, 9/10/1990, §705*)

§22-706. Fees.

The fee schedule for filing, inspection and engineering fees for land development as a mobile home park shall be in accordance with the requirements contained in §27-302, of this Chapter.

(*Ord. 90-9, 9/10/1990, §706*)

Part 8**Administration and Enforcement****§22-801. Enforcement.**

It shall be the duty of the Codes Enforcement Officer or other such duly authorized representative of the Borough Council and is hereby given the power and authority to enforce the provisions of this Chapter. The Enforcement Officer shall require that the application for a building permit contain all information necessary to enable him to ascertain whether the proposed building, alteration or use is located in an approved land development. No building permit shall be issued until the Enforcement officer has certified that the site for the proposed building, alteration or use complies with all the provisions of this Chapter and conforms to the site description as indicated on the approved and recorded final plan.

(*Ord. 90-9, 9/10/1990, §801; as amended by Ord. 94-02, 5/2/1994, Art. IV; and by Ord. 2006-3, 7/10/2006*)

§22-802. Modifications.

1. The Borough Council may grant a modification of the requirements of one or more provisions of this Chapter 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 this Chapter is observed.

2. All requests for a modification shall be in writing and shall accompany and be 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 this Chapter involved and the minimum modification necessary.

3. The request for modification shall be referred to the Planning Commission for advisory comments.

4. The Borough Council shall keep a written record of all action on all requests for modifications.

(*Ord. 90-9, 9/10/1990, §802; as amended by Ord. 94-02, 5/2/1994, Art. IV*)

§22-803. Amendments.

1. Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice. A brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the Borough where copies of the proposed amendment may be secured or examined shall be incorporated in the public notice. Unless the proposed amendment shall have been prepared by the Planning Commission, the Borough Council shall submit the amendment to the Planning Commission at least 30 days prior to the hearing on such amendment to provide the Planning Commission an opportunity to submit recommendations. In addition, at least 30 days prior to the public hearing on the amendment, the Borough shall submit the proposed amendment to the County planning agency for recommendations.

2. Within 30 days after adoption, the Borough Council shall forward a certified copy of the amendment to the County planning agency.

3. Proposed amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where the copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed amendment once in a newspaper of general circulation in the Borough not more than 60 days nor less than 7 days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

A. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.

B. An attested copy of the proposed amendment shall be filed in the County law library (or other County office designated by the County Commissioners).

4. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Borough Council shall, at least 10 days prior to enactment, re-advertise in one newspaper of general circulation in the Borough a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

(*Ord. 90-9, 9/10/1990, §803; as amended by Ord. 94-02, 5/2/1994, Art. IV*)

§22-804. Fees.

1. The Borough Council shall by resolution from time to time create a schedule of fees to be paid by the applicant at the time of plan submission, to defray the cost of administering and processing of plans. [*Ord. 2006-3*]

2. *Review Fees.*

A. Review fees shall include the reasonable and necessary charges by the Borough's professional consultants or Engineer for review and report to the Borough, and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Borough Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.

B. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Borough that such fees are disputed, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

C. In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the fees shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough 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 the third engineer is

so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.

(*Ord. 90-9, 9/10/1990, §804; as amended by Ord. 94-02, 5/2/1994, Art. IV; and by Ord. 2006-3, 7/10/2006*)

§22-805. Preventive Remedies.

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. 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 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 may 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.

(*Ord. 90-9, 9/10/1990, §805; as amended by Ord. 94-02, 5/2/1994, Art. IV*)

§22-806. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment 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 violation further determines that there was a good faith basis for the person,

partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of violation by the magisterial district judge and, thereafter, each day that a violation continues shall constitute a separate violation. [*Ord. 2006-3*]

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 the right to commence any action for enforcement pursuant to this Section.

4. Magisterial district judges shall have initial jurisdiction in proceedings under this Section. [*Ord. 2006-3*]

(*Ord. 90-9, 9/10/1990, §806; as amended by Ord. 94-02, 5/2/1994, Art. IV; and by Ord. 2006-3, 7/10/2006*)

§22-807. Appeals.

The procedures for securing review of any Chapter, decision or determination is set forth in Article X-A, "Appeals to Court," of Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as further amended by Act 209 of 1990 and Act 131 of 1992, 53 P.S. §11001-A *et seq.*

(*Ord. 90-9, 9/10/1990, §807; as amended by Ord. 94-02, 5/2/1994, Art. IV*)

§22-808. Flood Warning and Disclaimer of Liability.

1. The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural cause, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the floodplain, or that land uses permitted within such areas will be free from flooding or flood damages.

2. This Chapter shall not create liability on the part of the Borough of North York or any officer or employee thereof for any flood damages which result from reliance on this Chapter or any administrative decision lawfully made thereunder.

(*Ord. 90-9, 9/10/1990, §808; as amended by Ord. 94-02, 5/2/1994, Art. IV*)

§22-809. Municipal Liability.

The grant or permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee or warranty of any kind by the Borough or by an official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Borough, its officials or employees.

(*Ord. 90-9, 9/10/1990, §809; as amended by Ord. 94-02, 5/2/1994, Art. IV*)

§22-810. Interpretation.

The provisions of this Chapter shall be held to be minimum requirements to meet the purposes of this Chapter. When provisions of this Chapter impose greater

restrictions than those of any statute, other ordinance or regulations, the provisions of this Chapter shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Chapter, the provisions of such statute, ordinance or regulation shall prevail.

(*Ord. 90-9*, 9/10/1990, §810; as amended by *Ord. 94-02*, 5/2/1994, Art. IV)

Part 9**Penalties****§22-901. Penalties.**

1. Any person, partnership, or corporation who or which being the owner or agent of any lot, tract, or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or erects any building thereon, unless and until a final plat has been prepared in full compliance with provisions of this Chapter and of the regulations adopted hereunder and has been recorded as provided herein, upon being found liable thereof in a civil enforcement proceeding commenced by the Borough, such person, or members of such partnership, or the officers of such corporation, or the agent or any of them, responsible for such violation, shall pay a judgment of not more than \$500, court costs and reasonable attorneys' fees. Each day that a violation shall continue shall constitute a separate violation unless the magisterial district judge shall determine that there was a good faith basis for the violator to believe that there was no violation. [*Ord. 2006-3*]

2. 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 transferor from such penalties or from the remedies herein provided.

(*Ord. 90-9, 9/10/1990, §901; as amended by Ord. 2006-3, 7/10/2006*)

Part 10**Stormwater Management****§22-1001. Stormwater Management Requirements.**

All applicants shall comply with and all applications for subdivision and/or land development approval shall conform to the requirements of the North York Borough Stormwater Management Ordinance [Chapter 17]

(*Ord. 90-9*, 9/10/1990; as amended by *Ord. 94-02*, 5/2/1994, Art. V; and by *Ord. 2006-3*, 7/10/2006)

Appendix 22-A

Format for "Approval" Spaces. The following format shall be used in "Approval" spaces on Final Subdivision Plans:

Reviewed this ____ day of _____, 1920 ____, and found to meet the requirements for a Final Plan as stated in the Subdivision and Land Development Ordinance.

North York Borough Engineer

Recommended for Approval by the North York Borough Planning Commission this ____ day of _____, 1920 ____.

Chairman

Secretary

Owner's Statement

It is hereby certified that the undersigned has legal or equitable title to the land shown. All roads or streets shown hereon, if not previously dedicated, are hereby offered for public use.

Approved by the North York Borough Council this ____ day of _____, 20____.

Recorded in Plan Book _____ Page _____

Approved by North York Borough Council this ____ day of _____, 20 ____.

_____ President

_____ Secretary

reviewed by York County Planning Commission