

CODIFIED ORDINANCES OF YORK
PART THIRTEEN - PLANNING AND ZONING CODE

TITLE ONE - Zoning Ordinance

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APPENDIX - Publications

CODIFIED ORDINANCES OF YORK
PART THIRTEEN - PLANNING AND ZONING CODE

EDITOR'S NOTE: By Ordinance 29-1995, passed December 19, 1995, Council adopted a new Zoning Ordinance for the City. Ordinance 29-1995, as amended, is published separately but may be placed at this location within the Codified Ordinances.

(The next printed page is page 129.)

TITLE THREE - Subdivision and Land Development

- Art. 1331. Short Title and Purpose.
- Art. 1332. Definitions.
- Art. 1333. Procedures and Requirements.
- Art. 1334. Design Standards.
- Art. 1335. Mobile Home Parks.
- Art. 1336. Required Improvements.
- Art. 1337. Administration.

ARTICLE 1331
Short Title and Purpose

- | | |
|--|-------------------|
| 1331.01 Short title. | 1331.03 Purposes. |
| 1331.02 Statement of intent and authority. | |

CROSS REFERENCE

Subdivision and land development - see Act 247 Sec. 501 et seq.
(53 P.S. Sec. 10501 et seq.)

1331.01 SHORT TITLE.

These regulations in Articles 1331 through 1337 shall be known and may be cited and referred to as the "Subdivision and Land Development Ordinance of the City of York".
(Ord. 12-1982 Sec. 1.00. Passed 11-3-82.)

1331.02 STATEMENT OF INTENT AND AUTHORITY.

Council proposes to establish qualifications, procedures and standards for subdivision and land development. Therefore, under and by virtue of the authority granted in Article V of the Pennsylvania Municipalities Planning Code, Act 247 of July 31, 1968, as amended, Council does hereby enact this Subdivision and Land Development Ordinance.
(Ord. 12-1982 Sec. 1.10. Passed 11-3-82.)

1331.03 PURPOSES.

These regulations are adopted for the following purposes:

- (a) To protect and provide for the public health, safety and general welfare of the municipality;
- (b) To guide the future growth and development of the City, in accordance with the Comprehensive Plan;
- (c) To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger and to prevent overcrowding of land and undue congestion of population;
- (d) To regulate the subdivision and/or development of flood-prone land areas in order to promote the general health, welfare and safety of the community;

- (e) 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;
- (f) To protect individuals from buying lands which are unsuitable for use because of flood hazards by prohibiting the subdivision and/or development of unprotected flood-prone lands;
- (g) To protect the character and the social and economic stability of all parts of the City and to encourage the orderly and beneficial development of all parts of the City;
- (h) To protect and conserve the value of land throughout the City and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- (i) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities;
- (j) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate in the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
- (k) To establish reasonable standards of design and procedures for subdivision and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land;
- (l) To insure that public facilities are available and shall have a sufficient capacity to serve the proposed subdivision;
- (m) 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 throughout the City in order to preserve the integrity, stability and beauty of the community and the value of the land;
- (n) To preserve the natural beauty and topography of the City and to insure appropriate development with regard to these natural features; and
- (o) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the City Zoning Ordinance. (Ord. 12-1982 Sec. 1.20. Passed 11-3-82.)

ARTICLE 1332
Definitions

- 1332.01 Language interpretations.
1332.02 Definitions.

CROSS REFERENCES

State definitions - see Act 247 Sec. 107 (53 P.S. Sec. 10107)
Zoning definitions - see P. & Z. Art. 1301
Planned residential development definitions - see P. & Z. Art. 1352
Storm water management and erosion and sedimentation control
definitions - see P. & Z. Art. 1372

1332.01 LANGUAGE INTERPRETATIONS.

For the purpose of these regulations certain words shall have the following interpretations assigned to them:

- (a) Words in the present tense include the future. The singular number includes the plural and the plural includes the singular.
- (b) The word "shall" is always mandatory.
(Ord. 12-1982 Sec. 2.00. Passed 11-3-82.)

1332.02 DEFINITIONS.

(a) For the purpose of these regulations certain words shall have the following interpretations assigned to them: (Ord. 19-1991 §1. Passed 7-2-91.)

- (1) "Agricultural purposes" means the use of land for farming, dairying, pasturage, apiculture, 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 farm worker. It includes land devoted to and meeting the requirements and qualifications for payment or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.
- (2) "Alley" means a permanent servicerway providing a secondary means of access to abutting lands.
- (3) "Applicant" means a landowner or developer, hereinafter defined, who has filed an application for development including his heirs, successors and assigns
- (4) "Application for development" means 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. 19-1991 §1. Passed 7-2-91.)

- (5) "Appointing authority" means the Mayor of the City of York.
- (6) "Block" means property abutting on one side of a street and situated between the two nearest intersecting or intercepting streets or between the nearest intersecting or intercepting street and railroad right of way, waterway, unsubdivided area or other definite barrier.
(Ord. 12-1982 §2.10. Passed 11-3-82.)
- (7) "Building setback" or "building line" means a line within and across a lot defining the required minimum yard between any structure and any adjacent street line. (Ord. 19-1991 §1. Passed 7-2-91.)
- (8) "Cartway" means the surface of a street or alley available for vehicular traffic or the area between curbs.
- (9) "City" means the City of York, Pennsylvania.
(Ord. 12-1982 §2.10. Passed 11-3-82.)
- (10) "Clear sight triangle" means an area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street lines.
(Ord. 19-1991 §1. Passed 7-2-91.)
- (11) "Commission" means the City of York Planning Commission.
- (12) "Common open space" means a parcel or parcels of land or an area of water or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of residents. (Ord. 12-1982 §2.10. Passed 11-3-82.)
- (13) "Comprehensive Plan" means the composites of mapped and written proposals for the physical development of the City which has been duly adopted by Council. (Ord. 19-1991 §1. Passed 7-2-91.)
- (14) "County" means York County.
- (15) "Development" means the same as land development. (See subsection (a) (27) hereof.)
- (16) "Development Plan" means the provisions for development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, and public facilities. The phrase "provisions of the development plan" when used in this Subdivision and Land Development Ordinance shall mean the written and graphic materials referred to in this definition.
- (17) "Developer" means any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
(Ord. 12-1982 §2.10. Passed 11-3-82.)
- (18) "Director of Economic and Community Development" means the Director of Economic and Community Development of the City of York. (Ord. 19-1991 §1. Passed 7-2-91.)
- (19) "Double-frontage lot" means one which extends from one street to another, with frontage on both streets.
(Ord. 12-1982 §2.10. Passed 11-3-82.)

- (20) “Dwelling unit” means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.
(Ord. 19-1991 §1. Passed 7-2-91.)
- (21) “Easement” means a grant by the property owner of the use of a strip of land by the public, a corporation or persons for specified purposes.
- (22) “Engineer” means a professional engineer registered in the Commonwealth of Pennsylvania, for a municipality, planning agency, planning commission, property owner or applicant.
- (23) “Flood plain” means a relatively flat or low land area adjoining a river, stream, watercourse, bay or lake, which is subject to partial or complete inundation; an area subject to unusual and rapid accumulation of runoff or surface waters from any source.
- (24) “Flood-prone area” means 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.
- (25) “Floodway” means the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.
- (26) “Governing body” means Council of the City of York.
(Ord. 12-1982 §2.10. Passed 11-3-82.)
- (27) “Land Development” means any of the following activities:
- A. Improvement. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. Buildings. A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. Division, Allocation. 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; and
 - B. Subdivision. A subdivision of land; and
 - C. Exemptions. Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code (Act 247, as amended by Act 170 of 1988 as amended). The following activity is excluded from land development requirements:
 - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. The exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities. (Ord. 9-2000. Passed 6-6-00.)
- (28) “Landowner” means 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 persons having a proprietary interest in land.
- (29) “Lot” means 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.
- (30) “Lot area” means the area contained within the property lines of an individual lot, excluding any area within a street right-of-way, or future right-of-way but including the area of any easement.
- (31) “Lot width” means the distance measured between the side lot lines at the required building setback line; in a case where there is only one side lot line, between such lot line and the opposite lot line.
(Ord. 19-1991 §1. Passed 7-2-91.)
- (32) “Major Thoroughfare Plan” means that part of the Comprehensive Plan, now or hereafter adopted, which sets forth the general location, alignment and dimensions, and the identification and classification of existing and proposed public streets, highways and other thoroughfares.
(Ord. 12-1982 §2.10. Passed 11-3-82.)
- (33) “Mobile home” means a transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.
- (34) “Mobile home lot” means a parcel of land in a mobile home park, necessary for the erections thereon of a single mobile home.
- (35) “Mobile home park” means 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. 19-1991 §1. Passed 7-2-91.)
- (36) “Plan” means a map indicating the subdivision or resubdivision of land, or a land development, intended to be filed for record.
- A. “Final plan” means a map of a proposed plan drawn in accordance with the requirements of Section 1333.07 and submitted to the Commission for final approval and is the plan submitted for recording to the Office of the Recorder of Deeds of York County.

- B. "Preliminary plan" means a map showing the layout of a proposed plan submitted for tentative approval by the Commission in accordance with the requirements of Section 1333.04.
- C. "Sketch plan" means a map showing the layout of a proposed plan with sufficient accuracy to be used for the purpose of discussion in accordance with the requirements of Section 1333.02.
(Ord. 12-1982 §2.10. Passed 11-3-82.)
- (37) "Planned residential development" means an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the York City Zoning Ordinance.
(Ord. 19-1991 §1. Passed 7-2-91.)
- (38) "Planning agency" means the York City Planning Commission and its staff.
- (39) "Plat" means the map or plan of a subdivision or land development, whether preliminary or final.
(Ord. 12-1982 §2.10. Passed 11-3-82.)
- (40) "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.
- (40.2) "Public hearing" means a formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with ordinance.
- (40.3) "Public meeting" means a forum held pursuant to notice under the Act of July 3, 1986, (P.L. 388, No. 84) known as the "Sunshine Act".
- (41) "Public notice" means notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. 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 thirty days and the second publication shall not be less than seven days from the date of the hearing.
(Ord. 19-1991 §1. Passed 7-2-91.)
- (42) "Reserve strip" means a strip of land following the right-of-way line of a street and adjacent to it and is intended to control access to the street from adjacent property.
- (43) "Right of way" means the strip of land over or under which facilities such as streets, crosswalks or utility lines are built.
- (44) "Setback" means the required horizontal distance between a setback line and a property or street line.
- A. "Setback, front" means 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" means 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" means the distance between the side lot line and the side setback line projected from the front yard to the rear yard, commonly called "side yard".
- (45) "Setback line" means a line within a property and parallel to a property or street line which delineates the required minimum distance between a structure and that property or street line.
(Ord. 12-1982 §2.10. Passed 11-3-82.)
- (46) "Street" means a public or private thoroughfare used, or intended to be used, for passage or travel by pedestrians, bicycles and motor vehicles. Terms may include alley, avenue, boulevard, drive, bypass, expressway, freeway, highway, lane, parkway, road or street. Streets are further classified by the functions they perform and as designated in the Strategic Comprehensive Plan.
- A. "Arterial street" means a higher-order street intended for large volumes of traffic movement that connect population and employment centers and whose access is generally limited to controlled intersections. A street that is so designated in the Strategic Comprehensive Plan.
- B. "Collector street" means a midde-order street intended to carry medium volumes of traffic that connect lower-order or local streets to higher-order or arterial streets. A collector street serves neighborhood areas and provides access to arterial streets. A street that is so designated in the Strategic Comprehensive Plan.
- C. "Local street" means a lower-order street intended for lower levels of traffic used primarily to provide access to abutting properties and generally serving internally developed areas. Designed to carry lower levels of traffic.
- D. "Half street" means a street built along a property line and generally parallel to it which has a right of way whose width is less than normally required.
- E. "Cul-de-sac" means a local street with only one outlet and having the other end for the reversal of traffic movement.
- F. "Marginal access street" means a local street, parallel to an arterial or collector street, providing access to abutting properties and separation from through traffic while directing traffic to improved intersections to reduce curb cuts to a collector or arterial street.
- G. "Secondary access street" means a public or private street, alley or right of way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
- H. "Street line" means the dividing line between the street and a lot; the limit of a right of way.
(Ord. 9-2000. Passed 6-6-00.)
- (47) "Storm Water Management Act" means the Storm Water and Erosion Control Code of 1981, Title Six.
(Ord. 19-1991 §1. Passed 7-2-91.)

- (48) “Structure” means any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- (49) “Subdivider” means any person, co-partnership, or corporation owning land for which a subdivision application is filed and processed under the provisions of these regulations. (Ord. 12-1982 §2.10. Passed 11-3-82.)
- (50) “Subdivision” means the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access of any residential dwelling, shall be exempted. (Ord. 19-1991 §1. Passed 7-2-91.)
- (51) “Watercourse” includes creek, stream, channel, ditch, drain, dry run, spring and river. (Ord. 12-1982 §2.10. Passed 11-3-82.)

ARTICLE 1333
Procedures and Requirements

1333.01	General.	1333.09	Release from improvement bond.
1333.02	Pre-application procedure.	1333.10	Remedies to effect completion of improvements.
1333.03	Preliminary plan procedures.	1333.11	Final plan approval.
1333.04	Preliminary plan requirements.	1333.12	Recording of final plan; assessment increases.
1333.05	Preliminary plan approval.	1333.13	Effect of plat approval on official map.
1333.06	Final plan procedures.		
1333.07	Final plan requirements.		
1333.08	Completion of improvements or guarantee thereof prerequisite to final plat approval.		

CROSS REFERENCES

Effect of plat approval - see Act 247 Sec. 403 (53 P.S. Sec. 10403)
 Plat approval - see Act 247 Sec. 508 (53 P.S. Sec. 10508)
 Recording plat - see Act 247 Sec. 513 (53 P.S. Sec. 10513)
 Planned residential development - see Act 247 Sec. 701 et seq.
 (53 P.S. Sec. 10701 et seq.)

1333.01 GENERAL.

Hereafter, all subdivision and land development plans shall be reviewed and approved in accordance with the procedures specified in this article and in other parts of these regulations. Any approval not processed as required, hereafter, shall be null and void unless such approval was made prior to the adoption of these regulations.

(Ord. 12-1982 Sec. 3.00. Passed 11-3-82.)

1333.02 PRE-APPLICATION PROCEDURE.

(a) Prior to the filing of a preliminary plan, the developer may submit to the Director of City Planning a sketch plan of the proposed land development at least two weeks prior to a regular meeting of the Planning Commission. This sketch shall be used as a basis for informal discussion with the Commission.

(b) The sketch plan shall show the general layout including the proposed streets, lots, sanitary and public facilities and the relationship to adjacent existing or planned development. Within thirty days of submittal the Commission shall inform the applicant if the plan as submitted meets the objectives of these regulations.

(c) Prospective developers may consult the County Soil and Water Conservation District representative concerning the erosion and sediment control when the proposed development involves earthmoving, construction of new impervious areas, construction of new buildings or additions to existing buildings, nursery operations, diversion or piping of any natural or man-made stream channel or installation of storm water systems. If consultation does not occur prior to the pre-application conference, the City Engineering Department shall forward the plan to the County Soil and Water Conservation District for review in accordance with the Storm Water and Erosion Control Ordinance (Article 1371 et seq.).

(Ord. 12-1982 Sec. 3.10 Passed 11-3-82.)

1333.03 PRELIMINARY PLAN PROCEDURES.

(a) Whether or not a sketch plan was submitted for review (see Section 1333.02) the applicant shall prepare a preliminary plan, together with improvement plans and other supplementary material as specified in these regulations. However, in the case of a land development or a subdivision of less than four lots, the Planning Commission upon written request of the developer, may waive the requirements that a preliminary plan be submitted and approved prior to consideration of a final plan, provided that the plan submitted meets all the requirements of a final plan and does not contain any public improvements. If the applicant elects to waive preliminary plan submittal he shall submit the final plan in accordance with final plan procedures referred to in Section 1333.06. (Ord. 12-1982 §3.20. Passed 11-3-82.)

(b) At least three prints of the preliminary plan together with three copies of other required material shall be submitted to the Director of City Planning at least thirty days prior to the Commission meeting at which the preliminary plan will be considered. The preliminary plan shall be forwarded upon receipt by the Bureau of Planning to the York County Planning Commission for review and comment.

(c) The preliminary plan shall be accompanied by a check or money order drawn to the City in an amount determined by resolution by Council and a check or money order drawn to the York County Planning Commission in an amount determined by the Commission.

(d) The preliminary plan shall be reviewed by the proper City Officials and the City Engineer. The applicant shall attempt to incorporate the review comments of the City officials, City Engineer and County Planning Commission into the preliminary plan and at least ten days prior to the Commission meeting at which the preliminary plan shall be considered, the applicant shall submit at least ten copies of the preliminary plan together with ten copies of other required material to the Director of Planning. (Ord. 19-1991 §2. Passed 7-2-91.)

(e) The Commission shall review the preliminary plan to determine its conformity to the design standards and requirements contained in these regulations and submit their recommendations to Council who shall be responsible for the ultimate approval or denial of the plan. (Ord. 12-1982 §3.20. Passed 11-3-82.)

(f) Council shall not take final action on a preliminary plan until a written review of the same is received from the York County Planning Commission, or until the expiration of thirty days from the date the application was forwarded to the County by the Bureau of Planning. (Ord. 19-1991 §2. Passed 7-2-91.)

(g) Approval of the preliminary plan shall not constitute approval of the final plan. Rather it shall be deemed an expression of approval of the land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots and other planned features, but shall not authorize the sale of lots. The developer may then proceed with the installation of improvements after obtaining the proper permits and with the preparation of the final plan. No City official or bureau shall issue any permits required for street openings, water, sewer, curbs or sidewalks until after approval of the preliminary plan. (Ord. 12-1982 Sec. 3.20. Passed 11-3-82.)

1333.04 PRELIMINARY PLAN REQUIREMENTS.

(a) The preliminary plan shall be clearly and legibly drawn or reproduced at a scale of fifty or 100 feet to the inch, and shall be drawn by a registered land surveyor or professional engineer. The sheet size shall be a minimum of twenty-two by thirty-six inches.

(b) The following information shall be shown:

- (1) A key map showing the entire plan and its relation to surrounding area;
- (2) The tract name, block and lot numbers, date, graphic scale, north point and names and addresses of the following: The record owner or owners; the developer; and the person who prepared the map;
- (3) Acreage of tract and number of lots;
- (4) Zoning requirements indicating minimum lot size, setbacks, yard requirements, district and proposed lot size;
- (5) One foot contours for natural slope of less than one percent (1%) and contours at vertical intervals of two feet for land having an average natural slope of one percent (1%) to four percent (4%) and at a vertical interval of five feet for more steeply sloping land; distance and directions of nearest bench mark; and datum used;
- (6) Tract boundaries showing distances and bearings;
- (7) Certification of registered engineer or surveyor and date of survey;
(Ord. 12-1982 Sec. 3.30. Passed 11-3-82.)
- (8) The location of existing and proposed lot lines, streets, curb lines, buildings, setback lines, watercourses, railroads, sewer and water lines, bridges, culverts, drainpipes and any natural features such as wooded areas and rock formations within the plan and within a distance of 100 feet from the boundaries thereof and the names of owners within 100 feet of the land to be subdivided;
(Ord. 21-98. Passed 12-1-98.)
- (9) Where the subdivision and/or land development lies partially or completely in flood-prone areas, or where the subdivision and/or land development borders on flood-prone areas, the preliminary plan shall include the following information:
 - A. A map showing the location of the proposed subdivision and/or land development with respect to the City's flood-prone areas including information on, but not limited to, the regulatory flood elevations, boundaries of flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restrictions;
 - B. Where the subdivision and/or land development lies partially or completely in the flood-prone areas, or where the subdivision and/or land development borders on the flood-prone areas, 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 two or five feet depending upon the slope of the land and identify accurately the boundaries of the flood-prone areas; and
 - C. Name of engineer, surveyor or other qualified person responsible for providing the information required in this subsection;
- (10) Cross-sections and center line profiles for each proposed street shown on the preliminary plan. These plans may be submitted as separate sheets.

- (11) Plans and profiles of proposed and existing storm sewers;
- (12) Plans and profiles of proposed utility layouts and easements such as sewers, storm drains, water, gas and electricity, showing feasible connections to existing or any proposed utility systems;
- (13) Sites to be reserved for parks, playgrounds or other public uses;
- (14) A copy of any protective covenants or deed restrictions applying to the land being developed; and
- (15) Where activities as stated in Section 1333.02(c) occur the City Engineer shall be contacted as to the applicability of the Storm Water and Erosion Control Ordinance (Article 1371 et seq.) as well as plans showing the location of existing trees and new trees and screening.
(Ord. 12-1982 Sec. 3.30. Passed 11-3-82.)

1333.05 PRELIMINARY PLAN APPROVAL.

(a) Council shall render its decision and communicate it to the applicant not later than ninety days following the date of the regular meeting of the Commission, next following the date the application is filed, provided that should the next regular meeting occur more than thirty days following the filing of the application, the ninety-day period shall be measured from the thirtieth day following the day the application has been filed.
(Ord. 19-1991 §3. Passed 7-2-91.)

(b) The decision of Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen days following the decision. Failure to render and communicate a decision within the time and in the manner prescribed constitutes an approval.
(Ord. 12-1982 §3.31. Passed 11-3-82.)

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

(d) Failure of Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
(Ord. 19-1991 §3. Passed 7-2-91.)

1333.06 FINAL PLAN PROCEDURES.

(a) Submission Items. Except as stated below, four prints of the final plan together with four copies of the other required materials shall be submitted to the Bureau of Planning at least forty-five days before the Commission meeting at which the final plan shall be considered.

- (1) Fee. The final plan submission shall be accompanied by a check or money order drawn to the City in an amount determined by Council resolution.
- (2) Southeast Area Overlay. For a final plan within the Southeast Area Overlay zoning district, ten prints of the final plan shall be submitted to the Bureau of Planning at least forty-five days before the Planning Commission meeting at which the final plan shall be considered.

- (3) Building elevations. At least ten prints of the proposed building elevations within the Southeast Overlay zoning district shall be submitted along with the final plan.
 - A. Scaled drawings. The plans must be drawn to scale. All elevations visible from a public street, except a secondary access street, must be completed.
 - B. Building materials. The plan must identify and list the type of building materials that will be used.
 - C. Signage. All proposed signage must be noted on the site plan.
- (b) Preliminary Plan. The final plan shall conform to the preliminary plan as approved.
 - (1) Conformity. If desired by the developer, the plan may constitute only that portion of the approved preliminary plan which the applicant proposes to develop and record at the time; provided, however, that the portion conforms to all requirements of these regulations.
 - (2) Expiration. The final plan shall be submitted within one year after approval of the preliminary plan, otherwise, the preliminary plan shall be resubmitted to the Commission for approval unless an extension of time is granted by the Commission in writing.
- (c) York County Planning Commission. The applicant must submit a plan for review by the York County Planning Commission at least thirty days before the Planning Commission meeting at which the final plan shall be considered.
 - (1) Comments. The City Planning Commission shall not make recommendation on a final plan for a period of thirty days after the application has been forwarded to the County Planning Commission unless the required review has been received from the York County Planning Commission.
- (d) City Review. The final plan shall be reviewed by the proper City officials and the City Engineer. (Ord. 21-98. Passed 12-1-98.)
 - (1) Comments. The applicant is encouraged to incorporate review comments of the City officials, City Engineer and York County Planning Commission into the final plan at least fifteen days prior to the Commission meeting at which the final plan shall be considered. (Ord. 9-2000. Passed 6-6-00.)
 - (2) Number of copies. The applicant shall submit at least ten copies to the Bureau of Planning.
- (e) Southeast Area Citizens Advisory Committee. For land development plans within the Southeast District Area Overlay zoning district, the City Planning Commission shall not make a recommendation on the final plan until a written recommendation is received from the Southeast Area Citizen Advisory Committee or until the expiration of twenty days from the date the application was forwarded to the Bureau of Planning.
- (f) Plan Scale and Sheet Size. Final plans submitted to the Commission shall consist of paper prints at the scale of one inch to twenty, thirty, forty, fifty feet or 100 feet. The sheet size shall be twenty-two by thirty-six inches. The plan may be made in multiples of this size and cut along match lines.
 - (1) Reproduction print. After final recommendations by the Commission, one transparent reproduction of the final plan on stable plastic film (Mylar or approved equal) shall be submitted for final signatures and subsequent recording.

- (2) Oversize prints. Oversize prints shall be reduced on stable film to twenty-two by thirty-six inches or made into sections of twenty-two and thirty-six inches and cut along match lines.
(Ord. 21-98. Passed 12-1-98.)

1333.07 FINAL PLAN REQUIREMENTS.

The final plan shall show or be accompanied by the following:

- (a) A key map showing the entire plan and its relation to surrounding areas;
- (b) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract closing within an error of not more than one foot in 10,000 feet;
- (c) Accurate distances and directions to the nearest established street corner or official monument. Reference corners shall be accurately described on the plan;
- (d) Accurate location of all existing and recorded streets intersecting the boundaries of the tract;
- (e) Source of Title of the land as shown by the records of the County Recorder of Deeds;
- (f) Name and address of owner or subdivider and the name of the subdivision;
- (g) North point, graphic scale and date;
- (h) Block and lot numbers in consecutive order, dimensions and minimum area; acreage of entire development; density and use of land;
- (i) Lot lines with accurate bearings and distances, distances to be to the nearest hundredth of a foot;
- (j) Complete curve data for all curves included in the plan, including radius, delta angle, tangent, arc and chord;
- (k) Street lines with accurate dimensions in feet and hundredths of feet, with the bearing of such street lines;
- (l) Street names;
- (m) Names and addresses for all adjacent owners within 200 feet of the site;
- (n) Location and material of all permanent monuments and lot markers;
- (o) Easements for utilities;
- (p) Setback lines as established by the City Zoning Code; and
- (q) The following certificates, where applicable, shall be shown on the plan:
 - (1) Certification, with seal, by a registered land surveyor or professional engineer to the effect that the survey and plan are correct;
 - (2) Certificate with provision for signature for review by the Planning Commission;
 - (3) Any proposed land development shall be made to conform with the Zoning Ordinance, and the signature of the Zoning Officer, approving the plans with respect to zoning is required on final plans prior to being accepted by the Planning Office for processing;
 - (4) Certificate with provision for signature and approval by Council and the City Clerk;
 - (5) A statement certification, properly notarized, to the effect that the development shown on the final plan is the act and deed of the owner, that he is the owner of the property shown on the survey and plan and that he desires the streets, roads and public areas shown in the same to be dedicated; and
 - (6) A certificate to provide for the recording information (box approximately four inches by two inches).
(Ord. 12-1982 §3.50. Passed 11-3-82.)

- (7) A certificate to provide for signature and approval by York County Planning Commission. (Ord. 19-1991 §5. Passed 7-2-91.)
- (r) The final plan shall be accompanied by the following material:
- (1) Final profiles, cross-sections and specifications for street improvements, sanitary and storm sewers. Water distribution systems shall be shown on one or more separate sheets. Plans for water and sewer installations shall be approved by the York Water Company, Sewer Department and Engineering Department;
 - (2) Restrictions of all types which shall run with the land and become covenants in the deeds of lots shown on the plan;
 - (3) Certificate of dedication of streets and other public property; and
 - (4) A check for all street signs to be installed by the City at each intersection at fifty dollars (\$50.00) per intersection. (Ord. 12-1982 §3.50. Passed 11-3-82.)
- (s) Traffic Summary. The applicant must submit a written statement describing the following items. This statement can be completed by the applicant or traffic engineer and must be signed by both the applicant and property owner.
- (1) Traffic. The applicant must describe trip generation information for a proposed building and use. This information includes how many employees, customers and vendors will visit the site during a typical week by vehicle type. In addition to the trip information described by the applicant, which may include information from applicable trade journals or publications, the most current edition of the Institute of Transportation Engineers “Trip Generation” shall be referenced. The applicant must state the proposed hours of operation.
 - (2) Loading. The applicant will describe all proposed loading and unloading activity. The statement should include time(s), type and size of vehicles used and frequency of visits during the typical week.
 - (3) Company vehicles. The applicant should note the type, number and size of company vehicles used. The applicant should describe where company vehicles are stored.
 - (4) Access. The applicant must describe how vehicles will get to and exit the property. Proposed and existing access locations will be examined by the City Engineer for safety and necessity to eliminate unnecessary curb cuts in the City’s transportation network.
 - (5) Truck routes. The applicant should describe how trucks and/or commercial vehicles are directed to the site. The routes should indicate which specific City streets will be used to reach the site. The applicant should refer to the National Truck Network for York County developed as part of the York County Long Range Transportation Plan.
 - (6) Curb cuts on state roads. Land development with curb cuts on state roads must provide evidence of an approved Highway Occupancy Permit (HOP) for all new land uses accessing state-owned roadways. The Safe Stopping Sight Distance standards of the PennDOT HOP Handbook (Publication 282) and the Pennsylvania Code Chapter 441 should be met.

Editor’s note: York County Planning Commission “review of awareness” must be conducted before the PennDOT District Office will accept the application.

- (7) Parking lot. The applicant must submit a scaled drawing indicating the proposed parking lot layout in accordance with the requirements of Article 1310, Parking and Article 1306, Infrastructure and Landscaping. Before an occupancy permit is issued, the property must be improved according to the layout submitted with the application request. This requirement will be waived if the site has one hundred percent (100%) building coverage or has less than 162 square feet of open space. If no parking is proposed, the applicant must submit a scaled drawing of the lot showing the lot and existing improvements.
- (8) Traffic engineer. Based on the information provided, the City may require the preparation of a traffic impact study by a traffic engineer or have a traffic engineer review the summary which may include the following, and descriptions of methodologies where appropriate:
- A. Description. An introduction providing an overview of the development and an inventory of the surrounding transportation network, including but not limited to, existing traffic volumes, surface conditions, and posted speed limits, and a location map showing the site in relation to surrounding areas, shall be provided.
 - B. A.M. and P.M. peak. The traffic engineer will provide a capacity analysis (a.m. and p.m. peak for weekdays, midway peak for peak hour(s) of operation for use) for the appropriate intersections as identified by the City, the summary of which is to be summarized in matrix form.
Editor's note: The most current version of the Highway Capacity Manual and accompanying software should be used.
 - C. Traffic accident data. The traffic engineer will evaluate PennDOT reportable traffic accident data for a five-year period for appropriate mid-block segments and intersections to identify clustering and accident patterns, and provide recommendations to increase pedestrian and vehicular traffic safety.
 - D. Loading information. The traffic engineer will evaluate all proposed loading areas and provide recommendations concerning safety and access issues.
 - E. Signage. The traffic engineer will provide recommendations concerning traffic signage including any necessary turning restrictions.
Editor's note: A traffic and engineering study is required for placement of traffic control devices (i.e., stop signs) at site driveway and access drive approaches to public streets, and for the placement of signs along public streets, (i.e., parking restrictions, stop signs).
 - F. Curb cuts. The traffic engineer will complete an analysis of all curb cuts and access points and provide recommendations concerning design and the necessity of each curb cut.

G. Circulation. A review of the proposal will be completed to evaluate internal and external circulation of the parking lot layout. If no parking is provided, the traffic engineer will review loading and unloading activities for both product and pedestrians. The potential for the development to be served by alternative modes of transportation (i.e., transit, bicycle, pedestrian) should be evaluated. If installation of a transit stop is appropriate, the Executive Director of the York County Transportation Authority must be consulted.

H. City studies. The traffic engineer must update, revise or supplement any area-wide or corridor traffic impact, safety or circulation studies completed or officially amended by Council or York City Planning Commission. The title, author and date of any such referred to study documents or amendments shall be cited in the study.

I. Scope of study. Recommendations for the improvements of deficiencies noted in the study shall be detailed and reflected on the plan. These are minimum requirements depending on the location and type of proposed activity. The Director of Planning may request additional study elements to assist in the evaluation of the land development plan. (Ord. 21-98. Passed 12-1-98.)

1333.08 COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAT APPROVAL.

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 required by the Subdivision and Land Development Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storms sewers and other improvements as may be required by the Subdivision and Land Development Ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required pursuant to staged development as provided for in this section, applicant or developer shall provide for the deposit with the City, financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

Upon request by the applicant or developer, in order to facilitate financing, Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the applicant or developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety days unless a written extension is granted by Council.

Without limitation as to other types of financial security which the City may approve, 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. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided such bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such 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.

The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety days following the date scheduled for completion by the developer. Annually, the City 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 such adjustment, the City may require the developer to post additional security in order to assure that the financial security equals such one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this section.

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

If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.

In the case where development is projected over a period of years, Council may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future section or stages of development as it finds essential for the protection of any finally approved section of the development. As the work of installing the required improvements proceeds, the party posting the financial security may request Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to Council and Council shall have forty-five days from receipt of such request within which to allow the City Engineer to certify, in writing, to Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification Council shall authorize release by the bonding company or lending institution of an amount as estimated by the City Engineer fairly representing the value of the improvements completed or, if Council fails to act within such forty-five day period, Council shall be deemed to have approved the release of funds as requested. Council may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

Where Council accepts dedication of all or some of the required improvements following completion, Council may require the posting of financial security to secure structural integrity of such improvements as well as the functioning of such improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen months from the date of acceptance of dedication. Such 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 fifteen percent (15%) of the actual cost of installation of such improvements. 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 municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, The City 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 upon actual completion of the improvements depicted upon the approved final plat. Moreover, if such 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 plat, either upon the lot or lots beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed. (Ord. 19-1991 §6. Passed 7-2-91.)

1333.09 RELEASE FROM IMPROVEMENT BOND.

(a) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the City Engineer. Council shall, within ten days after receipt of such notice, direct and authorize the City Engineer to inspect all of the aforesaid improvements. The City Engineer shall, thereupon, file a report, in writing, with Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty days after receipt by the City Engineer of the aforesaid authorization from the governing body; and such report shall be detailed and shall indicate approval or rejection of such improvements, either in whole or in part, and if such improvements, or any portion thereof, shall not be approved or shall be rejected by the City Engineer, such report shall contain a statement of reasons for such nonapproval or rejection. (Ord. 12-1982 §3.70. Passed 11-3-82.)

(b) Council shall notify the developer, within fifteen days of receipt of the Engineer's report, in writing, by certified or registered mail of the action of Council with relation thereto. (Ord. 19-1991 §7. Passed 7-2-91.)

(c) If Council or the City Engineer fails to comply with the time limitation provisions contained herein, all improvements shall 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.

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

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

(f) Where herein reference is made to the City Engineer, he shall be a duly registered professional engineer employed by the City.

(g) In the event that cash or the equivalent is deposited as an improvement guarantee, it shall be held in an escrow fund.
(Ord. 12-1982 §3.70. Passed 11-3-82.)

(h) The applicant shall reimburse the City for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution of Council. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the City Engineer 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 City when fees are not reimbursed or otherwise imposed on applicants.

(1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten working days of the date of billing, notify the City that such expenses are disputed as unreasonable or unnecessary, in which case the City 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 expenses.

(2) If, within twenty days from the date of billing, the City and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the City shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the expenses and make a determination as to the amount thereof which is reasonable and necessary.

(3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

(4) In the event that Council and applicant cannot agree upon the professional engineer to be appointed within twenty 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 City is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the City Engineer nor any professional engineer who has been retained by, or performed services for, the City or the applicant within the preceding five years.

(5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000) or more, the City shall pay the fee of the professional engineer, but otherwise the City and the applicant shall each pay one-half of the fee of the appointed professional engineer. (Ord. 19-1991 §7. Passed 7-2-91.)

1333.10 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS.

In the event that any improvements which may be required have not been installed as provided in the Subdivision and Land Development Ordinance or in accord with the approved final plat Council is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by such security, 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 Municipal purpose. (Ord. 12-1982 Sec. 3.80. Passed 11-3-82.)

1333.11 FINAL PLAN APPROVAL.

(a) Council shall render its decision and communicate it to the applicant not later than ninety days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should such next regular meeting occur more than thirty days following the filing of the application, such ninety day period shall be measured from the thirtieth day following the day the application has been filed. Failure of Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. (Ord. 19-1991 §8. Passed 7-2-91.)

(b) When the plan is not approved in terms as filed, the decision shall specify the defects found in its application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

(c) From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the Subdivision and Land Development Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinance or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed. (Ord. 12-1982 Sec. 3.90. Passed 11-3-82.)

1333.12 RECORDING OF FINAL PLAN; ASSESSMENT INCREASES.

(a) Upon the approval of a final plan the developer shall within ninety days of such final approval record such plan in the Office of the Recorder of Deeds of York County. The Recorder of Deeds of York County shall not accept any plan for recording unless such plan officially notes the approval of Council and review of York County Planning Commission. (Ord. 19-1991 §9. Passed 7-2-91.)

(b) The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plan. (Ord. 12-1982 §3.95. Passed 11-3-82.)

1333.13 EFFECT OF PLAT APPROVAL ON OFFICIAL MAP.

After a plan has been approved and recorded as provided in this article, all streets and public grounds on such plan shall be, and become a part of the official map of the City without public hearing. (Ord. 19-1991 §10. Passed 7-2-91.)

ARTICLE 1334
Design Standards

1334.01	General requirements.	1334.06	Building setback lines.
1334.02	Streets.	1334.07	Grading.
1334.03	Easements.	1334.08	Flood plain district regulations.
1334.04	Blocks.	1334.09	Development guidelines.
1334.05	Lots.		

CROSS REFERENCES

Design standards - see Act 247 Sec. 503 (53 P.S. Sec. 10503)

Flood-Plain District regulations - see P. & Z. 1307.09 et seq.

1334.01 GENERAL REQUIREMENTS.

(a) Hereafter, all plans shall be approved by Council only in accordance with the procedure and requirements established by these regulations.

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

(c) Where not prohibited by this or any other laws or ordinances, land located in flood-prone areas 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 other laws and ordinances regulating such development.

(d) No subdivision and/or land development, or part thereof, shall be approved if the proposed development and/or improvements shall individually or collectively increase the regulatory flood elevation more than one foot at any point.

(e) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

(f) 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 if the sites or dwelling units are elevated to a height at least one foot above the elevation of the regulatory flood. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least fifteen feet beyond the limits of the proposed structures.

(g) Building sites for structures or buildings other than for residential uses shall not be permitted in any floodway areas. Also, such sites for structures or buildings outside the floodway shall be protected as provided for in subsection (d) hereof. However, Council may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation less than one foot above the regulatory flood if the developer otherwise protects the area to that height or assures that the buildings or structures shall be floodproofed at least up to that height.

(h) If the City 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.

(i) When a developer does not intend to develop the plot himself and the City determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plot.

(Ord. 12-1982 §4.00. Passed 11-3-82.)

(j) In the event that a proposed Subdivision or Land Development is abutting or in relation to an adjacent municipality or municipalities, the City Planning Commission shall solicit reviews and reports from the appropriate agencies affected by the plans in attempts to coordinate development. (Ord. 19-1991 §11. Passed 7-2-91.)

1334.02 STREETS.

(a) General Requirements.

- (1) All streets shall conform to the Comprehensive Plan prepared by the Planning Commission with respect to arrangements, character, extent and location.
- (2) Streets in plans not shown in the Comprehensive Plan shall be arranged to: Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or conform to a plan approved or adopted by the Commission to meet a situation where topographic or other conditions make continuance or conformity to the lines of existing streets impracticable.
- (3) Details of streets on an approved and recorded final plan shall be considered to form part of the Major Thoroughfare Plan for the City.
- (4) The design of all streets shall be considered in relation to: The existing and planned streets; the topography of the site; public convenience and safety; appropriate relation to the proposed uses of land in the area such streets serve; and shall tie into existing street profiles on file in the City Engineer's Office.
- (5) Local access streets shall be so laid out that their use by through traffic shall be discouraged.
- (6) Street right of way and cartway widths shall be as follows:

<u>Street Type</u>	<u>Right of Way (feet)</u>	<u>Cartway (feet)</u>
Arterial	80 or as determined after consultation with the PA Dept. of Transportation	48 with concrete curbs
Collector	60 - 80 as determined by the City Engineer	40 with concrete curbs
Local access	50	34 with concrete curbs

(7) Street grades shall conform to the following:

<u>Street Type</u>	<u>Minimum</u>	<u>Residential Maximum</u>	<u>Nonresidential Business and Industry Maximum</u>
Arterial	.75%	5%	5%
Collector	.75%	6%	6%
Local access	.75%	10%	6%

%=Percent Grade

(8) Names of new streets and other right of ways in all plans shall be subject to the approval of the Commission and Council.

(b) Special Considerations.

(1) Where a plan abuts or contains an existing or proposed arterial street, railroad or a limited access highway, the Commission may require such other treatment as it may deem necessary to protect residential properties from the effects of heavy traffic, as well as to afford separation of through and local traffic.

(2) Reserve strips controlling access to streets shall be prohibited except where their control is definitely assigned to the City.

(3) Half streets shall be prohibited except where they are essential to reasonable development conforming to the other requirements of these regulations and the Commission finds it shall be practicable to require dedication of the other half, when adjoining property is developed.

(4) Whenever a half street adjoins property proposed to be developed, the completion of such street shall be required as a condition to approval of the final plan.

(c) Geometrical Design Requirements.

(1) Street jogs with less than 200 feet center line to center line shall be avoided.

(2) Street curb intersection at ninety degrees shall be rounded and contain wheelchair ramps with a curve having a radius in accordance with the following schedule:

<u>Intersecting Streets</u>	<u>Minimum Curb Radius (Feet)</u>
Arterial with collector or local access	30
Collector and local access	25
Local access	10

(3) The minimum radius at the center line for curves shall be as follows:

<u>Type of Street</u>	<u>Minimum Radius (Feet)</u>
Arterial	500
Collector	300
Local access	150

(4) A tangent at least 100 feet long shall be introduced between reverse curves on collector streets and 200 feet on arterial streets.

- (5) Dead end or cul-de-sac streets in general shall not exceed 600 feet in length and shall be provided with a paved turnaround with a minimum diameter of eighty feet to the outside curb and 100 feet to the legal right of way.
- (6) Proper sight distances shall be provided with respect to both horizontal and vertical alignment. Measured along the center line, three and seventy-five hundredths feet above grade, this sight distance shall be as follows:

<u>Type of Street</u>	<u>Sight Distance (Feet)</u>
Arterial	400
Collector	250
Local access	175

- (7) Proper sight lines shall be maintained at all street intersections. Clear sight triangles of seventy-five feet, 150 feet for arterial streets, measured along street centerlines from their points of junction shall be provided at all intersections and no building, structure, grade or planting higher than three feet above the centerline of the street shall be permitted within such sight triangles.
- (8) Right angle intersections shall be used whenever practicable. When local access streets intersect collector or arterial streets, the angle of intersection of the street center lines shall not be less than seventy-five degrees. No street shall intersect any other street at less than sixty degrees measured from the intersection of the center lines.
- (9) Multiple intersections, where more than two streets meet, shall be avoided.
- (10) Intersections shall be approached on all sides by leveling areas. Where the street grade exceeds seven percent (7%), such leveling areas shall have a minimum length of fifty feet measured from the intersection of the centerlines within which no grade shall exceed a maximum of four percent (4%).
- (11) Alleys shall not be allowed in residential areas.
- (12) Vertical curves shall be used in changes of grade exceeding one percent (1%) and shall not be less than 100 feet in length.
(Ord. 12-1982 Sec. 4.10. Passed 11-3-82.)

1334.03 EASEMENTS.

- (a) Easements provided for utilities shall be at least fifteen feet wide and shall conform to State regulations for public utilities.
- (b) Insofar as it is possible, easements shall be centered on or be located adjacent to rear or side lot lines.
- (c) Where a plot is traversed by a watercourse, a drainage easement or right of way shall be provided and shall conform substantially to the line of such watercourse and be wide enough to preserve natural drainage and so as not to be a detriment to the area.
(Ord. 12-1982 Sec. 4.20. Passed 11-3-82.)

1334.04 BLOCKS.

(a) The length, width and shape of blocks shall be determined with due regard to: Provision of building sites suited to the specific needs of the use contemplated; requirements for convenient access, circulation and safety of street traffic; limitation and opportunities of the topography of the site; and lot sizes and lot dimensions established by the Zoning Ordinance.

(b) Block lengths shall not be less than 400 feet, nor more than 1,800 feet.

(c) Normally, blocks shall be subdivided to afford two tiers of lots. However, irregularly shaped blocks indented by cul-de-sac streets and containing interior parks shall be acceptable when covered by agreements as to maintenance of such parks, and the design of such blocks has been approved by the Planning Commission.

(Ord. 12-1982 §4.30. Passed 11-3-82.)

1334.05 LOTS.

(a) All lots shall abut by their full frontage on a public dedicated street.

(b) Reverse frontage lots and through lots shall be avoided except where they are necessary to separate residences and through traffic, or to overcome specific disadvantages of topography or orientation.

(c) Lot dimension shall conform to the requirements established by the Zoning Ordinance, and be appropriate to the topography and natural character of the land being subdivided.

(d) Side lines of lots shall, so far as is practicable, be at right angles or radial to curving street lines unless a variation of this rule would give a better street or lot plan.

(e) Corner lots shall be increased in size whenever necessary to assure that structures to be placed on them shall conform to the yard requirements of the Zoning Ordinance. (Ord. 12-1982 §4.40. Passed 11-3-82.)

1334.06 BUILDING SETBACK LINES.

(a) Minimum building setbacks to provide easements for the installation of public utilities may be established by the Planning Commission along any street even when such requirement establishes minimum yards greater than those required by the Zoning Ordinance.

(b) No buildings or other structures shall be permitted within the lines of an easement or building setback area.

(Ord. 12-1982 §4.50. Passed 11-3-82.)

(c) To the maximum extent practicable, all development along a designated image corridor, as identified in the Strategic Comprehensive Plan, shall provide site development and pedestrian access in a manner similar to the surrounding character and architectural style of neighboring buildings. The maximum setback requirement is determined by:

- (1) Existing street lines shall be maintained. Maximum building setbacks are determined by the average setback of existing development within the same numerical block where the development is proposed. The calculation must incorporate development on both sides of the street excluding vacant lots and institutional and government buildings.
- (2) In areas where demolition is proposed or has occurred, the setbacks of pre-existing development shall be used in the maximum setback calculation.

- (3) Corner properties must take into account development on all four corners of the intersection.
- (4) Developments within the Institutional and Open Space Districts are exempt from maximum building setback requirements. (Ord. 9-2000. Passed 6-6-00.)

1334.07 GRADING.

Generally existing topographic and contour features of the land shall be retained. They shall be modified only insofar as necessary to provide for protective drainage and water run-off. (Ord. 12-1982 §4.60. Passed 11-3-82.)

1334.08 FLOOD PLAIN DISTRICT REGULATIONS.

(a) Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover shall be removed, the developer shall consult the York County Conservation District Office concerning plans for erosion and sediment control and shall also obtain a report on the soil characteristics of the site so that a determination can be made by the City Engineer as to the type and degree of development that site can accommodate. At the same time a determination should be made as to whether or not any flood hazards either exist or shall be created as a result of the subdivision or development.

(b) All subdivision proposals and new development proposals either partially or completely within the Flood Plain District shall utilize natural features, such as topography, ground cover, etc., to the greatest extent possible in an effort to minimize damage due to flooding. (Ord. 12-1982 §4.70. Passed 11-3-82.)

1334.09 DEVELOPMENT GUIDELINES.

Council shall approve all plans in accordance with the procedures and requirements established by these regulations.

- (a) Plan. Design of the development shall take into consideration all existing local and regional plans for the surrounding community.
- (b) Historical and Architectural Value. To the maximum extent practicable, development shall preserve the historical, architectural and design character of existing and surrounding development.
- (c) Scale. The height and bulk of new buildings should be related to the prevailing scale of development to avoid overwhelming or dominating existing development. New construction shall be sympathetic to the scale, form and proportion of existing development.
- (d) Building Line. The existing building line at the street line shall be maintained unless a proposed setback conforms to the Zoning Ordinance or is part of a larger City development plan.
- (e) Evaluation. Architectural design is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- (f) Exterior Architectural Features. To the maximum extent practicable, development shall preserve the exterior architectural features of the area and selected building features shall be suitable for the type and design of the surrounding development. Buildings shall use the same materials, or ones that are architecturally harmonious, on all building walls and other exterior building components visible from public streets.
- (g) Parking Lots. Parking areas shall be suitably landscaped to minimize noise, glare, and other nuisances, especially adjacent to residential uses. Landscaped dividing strips or similar elements shall separate sections, or adequate landscaping shall be provided along the edge of parking lots. Portions of parking areas not used for maneuvering, travel or parking shall remain in natural ground cover. (Ord. 21-98. Passed 12-1-98.)

ARTICLE 1335
Mobile Home Parks

1335.01 Mobile home parks.

CROSS REFERENCES
Zoning regulations - see P. & Z. 1304.20, 1304.21

1335.01 MOBILE HOME PARKS.

Mobile home parks shall be governed by provisions set forth in Section 1304.21 of the Zoning Ordinance and Section 424 of the BOCA Basic Building Code, 1975. Design standards not covered under either of these two sections shall be in conformance with the Subdivision and Land Development Ordinance. Where provisions of the Zoning Ordinance, BOCA Code and Subdivision and Land Development Ordinance conflict, the most restrictive regulations shall prevail. (Ord. 12-1982 §5.00. Passed 11-3-82.)

ARTICLE 1336
Required Improvements

1336.01	Monuments and markers.	1336.08	Water supply and fire hydrants.
1336.02	Streets.	1336.09	Street trees.
1336.03	Curbs and sidewalks.	1336.10	Recreation space.
1336.04	Driveways and curbcuts.	1336.11	Street lighting.
1336.05	Storm drainage.	1336.12	Landscaping.
1336.06	Utilities.		
1336.07	Sanitary sewers.		

CROSS REFERENCES

Improvements completion or guarantee - see Act 247 §509 (53 P.S. §10509)
 Release from bond - see Act 247 §510 (53 P.S. §10510)
 Remedy for completion - see Act 247 §511 (53 P.S. §10511)
 Street adoption and names - see S.U. & P.S. Art. 901
 Completion required for plat approval - see P. & Z. 1333.08
 Release from bond - see P. & Z. 1333.09

1336.01 MONUMENTS AND MARKERS.

- (a) Monuments shall be of concrete or stone with a minimum size of six inches by thirty inches, and shall be marked on top with a copper or brass dowel. Markers shall consist of iron pipes or steel bars at least fifteen inches long and not less than one-half inch in diameter.
- (b) Monuments and markers shall be placed by a professional engineer or registered land surveyor so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.
- (c) Monuments shall be set:
- (1) At the intersection of all lines forming angles in the boundary of the development; and
 - (2) At the intersection of street right-of-way lines.
- (d) Markers shall be set:
- (1) At the beginning and ending of all curves along street property lines;
 - (2) At all points where lot lines intersect curves, either front or rear;
 - (3) At all angles in property lines of lots; and
 - (4) At all lot corners.
- (e) Any monuments or markers that are removed shall be replaced by a professional engineer or registered land surveyor at the expense of the person removing them.
 (Ord. 12-1982 §6.00. Passed 11-3-82.)

1336.02 STREETS.

(a) Streets shall be graded to the full width of the right-of-way surfaces and improved to the grades and dimensions shown on plans, profiles and cross-sections submitted by the developer and approved by Council.

(b) All street improvements shall be completed in strict accordance with the specifications and standards of the Engineering Department. Prior to placing the street surface, adequate subsurface drainage and all utilities under such streets shall be provided and installed by the developer.

(c) The finished elevation of all streets within flood-prone areas shall be no more than two feet below the regulatory flood elevation. The City may require, where necessary, profiles and elevations of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights. (Ord. 12-1982 Sec. 6.10. Passed 11-3-82.)

1336.03 CURBS AND SIDEWALKS.

Curbs and sidewalks are required on both sides of all streets and shall be installed by the developer in accordance with the standards and specifications of the City Engineering Department. (Ord. 12-1982 Sec. 6.20. Passed 11-3-82.)

1336.04 DRIVEWAYS AND CURBCUTS.

Driveway entrances, aprons or curbcuts within the street right of way shall be installed in accordance with the standards and specifications for driveways, aprons and curbcuts of the Engineering Department. (Ord. 12-1982 Sec. 6.30. Passed 11-3-82.)

1336.05 STORM DRAINAGE.

(a) General Requirements. The Planning Commission shall not recommend for approval any development or any plan of subdivision which does not make adequate provisions for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system and in accordance with the standards set forth in the City's Storm Water Management and Erosion and Sedimentation Control Code, 1981. The Storm Water Management and Erosion and Sedimentation Control Plan may be submitted as part of the land development plan.

(1) Storm sewers; bond. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the City Engineer. However, in subdivisions containing lots less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved out-fall. Inspection of facilities shall be conducted by the City Engineer prior to connection with the City's storm sewer system. A storm sewer entrance bond shall be obtained from the City Department of Public Works.

(2) Accommodation of upstream drainage area. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer for the applicant shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance and shall be reviewed and approved by the City Engineer.

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- (3) Flood plain districts. Special care should be taken within the Flood Plain Districts to provide for adequate drainage so as to reduce the area's susceptibility and exposure to flood hazards. The system shall provide positive drainage away from buildings.
- (b) Dedication of Drainage Easements.
- (1) General requirements. When a subdivision is traversed by a watercourse, drainageway, channel or stream there shall be provided a storm water easement or drainage right of way conforming substantially to the lines of such watercourse and of such width and construction on both as shall be adequate for the purpose. Wherever possible it is desirable that the drainage be maintained by open channel with landscaped banks and adequate width for maximum expected volume of flow.
- (2) Drainage easements.
- A. When topography or other conditions are such as to make impractical the inclusion of drainage facilities within road right of way, perpetual unobstructed easements at least fifteen feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access of the road. Easements shall be indicated on the plan. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
- B. When a proposed drainage system shall carry water across private land outside the development, appropriate drainage rights shall be secured and indicated on the plan.
- C. The applicant shall dedicate to the City, either in fee simple or by drainage or conservation easement, land on both sides of existing watercourses, to a minimum width of fifteen feet or as determined by the City Engineer.
- D. Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.
(Ord. 12-1982 Sec. 6.40. Passed 11-3-82.)

1336.06 UTILITIES.

(a) Underground Utilities. In new residential developments, utility distribution and service facilities shall be installed underground, unless in the opinion of the Planning Commission, special conditions require otherwise. Where the Pennsylvania Public Utility Commission had adopted rules or orders covering underground installation these shall at all times apply.

(b) Flood Areas. All utility systems, including but not limited to, gas, electric, telephone and oil, within flood prone areas shall be elevated or floodproofed to a point one foot above the regulatory flood elevation.
(Ord. 12-1982 Sec. 6.50. Passed 11-3-82.)

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1336.07 SANITARY SEWERS.

(a) Developer To Provide. The developer shall provide the development with a complete sanitary sewer system to be connected to the City sanitary sewer system as specified by the Sewer Department and the City Engineer. All plans for the sanitary sewer system shall be prepared by the developer in accordance with standards and specifications of the Engineering Department approved by the Engineering Department and the Pennsylvania Department of Environmental Resources.

(b) Flood Areas. All new or replacement sanitary sewer systems within the flood prone areas shall be floodproofed up to a point one foot above the regulatory flood elevation to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. (Ord. 12-1982 §6.60. Passed 11-3-82.)

1336.08 WATER SUPPLY AND FIRE HYDRANTS.

(a) A water distribution system shall be installed to furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrant locations to meet the specifications of the Middle Department Association of Fire Underwriters and City standards.

(b) All new or replacement water supply systems within the flood prone areas shall be floodproofed to a point one foot above the regulatory flood elevation to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(c) Access to fire hydrants shall be required for all developments. Fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any structure and shall be approved by the City Engineer and Fire Department. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements shall be installed before any final paving of a street shown on the development plan. (Ord. 12-1982 §6.70. Passed 11-3-82.)

(d) If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to Council that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence. (Ord. 19-1991 §12. Passed 7-2-91.)

1336.09 STREET TREES.

(a) Tree Installation. The planting of street trees is mandatory. Shade trees shall be installed on both sides of all streets in accordance with the land development plan.

(b) Tree Type. The minimum diameter shall be two inches measured twelve inches above ground level and shall be of a type suitable to the urban environment. Trees approved for planting are as follows:

- (1) Washington Hawthorne.
- (2) Bradford Pear.
- (3) Columnar Norway Maple.
- (4) Greenspire Linden.
- (5) Marshall Seedless Ash.
- (6) Little Leaf European Linden.
- (7) Ginkgo (male).
- (8) Zelkova.

(c) Alternative Species. Alternative species may be planted with the approval of the City Forester.

(d) Tree Placement. Trees shall be evenly spaced along streets with space intervals of forty feet on average. The trees shall be planted so as to not interfere with utilities, roadways, sidewalk placement, sight distance triangles or streetlights.

(e) Plan Approval. Tree location, landscaping design, and tree spacing shall be approved by the Planning Commission as part of the landscape and/or land development plan.
(Ord. 21-98. Passed 12-1-98.)

1336.10 RECREATION SPACE.

(a) In the case of a residential development, adequate recreational space shall be included as part of the development plans as follows unless specifically indicated otherwise by the Planning Commission or a formally adopted recreational plan:

<u>Dwelling Units</u>	<u>Minimum Acres Required</u>
1 - 5	None
6 - 12	1/4
13 - 50	1
51 - 100	4

(Ord. 19-1991 §13. Passed 7-2-91.)

(b) Where a proposed park, playground, open space or other local or neighborhood recreation site is shown on the Comprehensive Plan or where the City considers that a local recreation site is necessary to carry out the purpose of this Subdivision and Land Development Ordinance, the City may require the dedication of all or a portion of such site in accordance with the above standard.

(Ord. 12-1982 §6.90. Passed 11-3-82.)

(c) Where the application of these standards would result in an open space or recreation site too small to be usable, or if the Comprehensive Plan calls for such local recreation site to be located elsewhere or if a suitable site cannot be properly located in the land development, as determined by the City, a payment of a fee in lieu of dedication of such land is required. The following procedure shall be followed:

- (1) The amount of the fee shall be determined by City resolution on a lot or dwelling unit basis shown on the final plan.
- (2) The fee shall be paid to the City prior to the approval of the final plan.
- (3) The land or fees, or combination thereof, are to be used only for the purpose of providing park or recreational facilities accessible to the development.
- (4) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the development or subdivision.

- (5) A fee authorized under this subsection shall, upon its receipt by the City, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.
- (6) Upon request of any person who paid any fee under this subsection, the City shall refund such fee, plus interest accumulated thereon from the date of payment, if the City had failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid.
(Ord. 19-1991 §13. Passed 7-2-91.)

- (d) In lieu of requiring the dedication of a recreation or park site, or a fee for this purpose, Council may permit a private site to be used if:
 - (1) In its judgment the purposes of these regulations regarding recreation and park sites shall be accomplished; and
 - (2) The private use is permanently devoted to recreation and park use and adequately secured for such use by deed covenants or other private restrictions. (Ord. 12-1982 §6.90. Passed 11-3-82.)

1336.11 STREET LIGHTING.

(a) Light Standards. The installation of street lighting is the responsibility of the developer. In conjunction with the electric utility company, the developer shall select lighting standards and fixtures which maintain the following minimum lighting standards:

<u>Type of Area</u>	<u>Foot Candle Average</u>
Residential	.5
Industrial and/or commercial	.9 ½
Shopping areas and centers	5 - 10

(b) Height. All lighting fixtures shall be designed and located for the use intended. Light sources shall meet the following minimum height requirements.

<u>Location</u>	<u>Minimum Feet Above Grade</u>
Pedestrian walkways	12
Parking lots	15
Streets	25

(c) Glare. The shielding of lighting standards shall provide proper lighting without hazards for drivers or nuisances to residents. All site and parking lot lighting shall be directed on-site.

- (d) Design. The design of lighting standards shall be of a type appropriate to the development.
- (e) Electrical Feeds. Electrical feeds for lighting shall be run underground, not overhead.
- (f) Planning Commission Review. These standards shall be the minimum standards unless the Planning Commission review determines otherwise.
(Ord. 21-98. Passed 12-1-98.)

1336.12 LANDSCAPING.

Landscaping shall be provided as part of the site plan and land development design.

- (a) Location. Reasonable landscaping shall be provided at site entrances, in public areas, and adjacent to buildings. The plant material that best serves the intended function shall be selected for the local environment.
- (b) Plant Materials. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials and annuals and other material such as rocks, walls, fences and street furniture. Artificial plants, trees and shrubs may not be used to satisfy any requirements for landscaping.
- (c) Landscaping Plan. If landscaping is provided, a landscaping plan must be prepared. Such landscape plans shall include:
 - (1) Location. The plan shall identify existing and proposed trees, shrubs and ground covers, and other landscaping elements showing where proposed and existing plant material will be located.
 - (2) List. All plans shall be accompanied by a list of proposed plants and trees including the number, height, or caliper size, common and/or botanical name.
 - (3) Existing Plants. Existing plantings shall be identified by name, quantity and size on the site plan to indicate which plant material will be retained.
- (d) Protection of Existing Plantings. Maximum efforts should be made to save fine specimens.
(Ord. 21-98. Passed 12-1-98.)

ARTICLE 1337
Administration

1337.01	Modifications.	1337.07	Appeals.
1337.02	Records.	1337.08	Disclaimer of liability.
1337.03	Amendments.	1337.09	Repealer.
1337.035	Publication, advertisement and availability of ordinance.	1337.10	Interpretation.
1337.04	Validity.	1337.97	Preventive remedies.
1337.05	Inspections.	1337.98	Jurisdiction.
1337.06	Fees.	1337.99	Enforcement remedies.

CROSS REFERENCES

Amendments to subdivision ordinance - see Act 247 §505 (53 P.S.
§10505)
Penalty - see Act 247 §515 (53 P.S. §10515)

1337.01 MODIFICATIONS.

(a) The provisions of these regulations are the minimum standards for the protection of the public welfare. The Planning Commission may make recommendations to Council to modify or to extend them as may be necessary in the public interest.
(Ord. 12-1982 §7.00. Passed 11-3-82.)

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

(c) All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.

(d) Request for modifications shall be referred to the Planning Commission for advisory comments. When reviewing requests for modifications, the Commission shall consider whether literal compliance with the requirements of the provisions of this ordinance are unreasonable, cause undue hardship or whether an alternative standard can be demonstrated to provide equal or better results.

(e) Council shall keep a written record of all actions on requests for modifications.
(Ord. 19-1991 §14. Passed 7-2-91.)

1337.02 RECORDS.

The Planning Commission and Council shall maintain an accurate public record of all the plans upon which it takes action and of its findings, decisions and recommendations in relation thereto. (Ord. 12-1982 §7.10. Passed 11-3-82.)

1337.03 AMENDMENTS.

The Planning Commission and the public may, from time to time, recommend to Council the need to amend these regulations.

- (a) Amendments to the Subdivision and Land Development Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance by this section. In addition, in case of an amendment other than that prepared by the Planning Commission, Council shall submit each such amendment to the Commission for recommendations at least thirty days prior to the date fixed for the public hearing on such proposed amendment. At least thirty days prior to the hearing on the amendment, the City shall submit the proposed amendment to the County Planning Commission for recommendations.
- (b) Within thirty days after adoption, Council shall forward a certified copy of any amendment to the Subdivision and Land Development Ordinance to the County Planning Commission. (Ord. 19-1991 §15. Passed 7-2-91.)

1337.035 PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF ORDINANCE.

(a) Proposed Subdivision and Land Development amendments shall not be enacted unless notice of proposed enactment is given. Such notice shall include the time and place of the meeting at which passage shall be considered, a reference to a place within the City where copies of the proposed amendments may be examined without charge or obtained for a charge not greater than the cost thereof. Council shall publish the proposed amendments once in one newspaper of general circulation in the City not more than sixty days nor less than seven days prior to passage. Publication of the proposed amendments shall include either the full text thereof or the title and a brief summary, prepared by the City Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- (1) A copy thereof shall be supplied to a newspaper of general circulation in the City at the time the public notice is published.
- (2) An attested copy of the proposed ordinance shall be filed in the county law library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing such ordinance.

(b) In the event substantial amendments are made in the proposed amendments, before voting upon enactment, Council shall, at least ten days prior to enactment readvertise, in one newspaper of general circulation in the City, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

(c) Subdivision and Land Development Ordinances and amendments shall be incorporated into the official ordinance books by reference with the same force and effect as if duly recorded therein. (Ord. 19-1991 §16. Passed 7-2-91.)

1337.04 VALIDITY.

Should any section or provision of these regulations be declared unconstitutional or invalid, such decision shall not affect the validity of any other section or provisions of these regulations than the one so declared. (Ord. 12-1982 Sec. 7.30. Passed 11-3-82.)

1337.05 INSPECTIONS.

Recommended improvements shall be inspected by the City Engineer to determine if they meet or conform to approved plans. If so, the City Engineer shall certify that improvements have been completed in accordance with Section 1333.09. (Ord. 12-1982 Sec. 7.40. Passed 11-3-82.)

1337.06 FEES.

(a) Council, shall, by resolution, 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 the plans.

(b) In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten days of the billing date, notify the City that such fees are disputed, in which case the City 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 City and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the City shall follow the procedure for dispute resolution set forth in Section 1333.09. (Ord. 19-1991 §17. Passed 7-2-91.)

1337.07 APPEALS.

The procedures for appealing any ordinance, provision, decision or determination are set forth in Article X of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as amended. (Ord. 12-1982 Sec. 7.65. Passed 11-3-82.)

1337.08 DISCLAIMER OF LIABILITY

(a) Flood Liability. The degree of flood protection sought by the provisions of this Subdivision and Land Development Ordinance 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 causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain, or that land uses permitted within such areas shall be free from flooding or flood damages.

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

(b) Municipal Liability. The grant of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee or warranty of any kind by the City or by any officials or employee thereof as to the practicability or safety of the proposed use, and shall create no liability upon the City, its officials or employees.
(Ord. 12-1982 Sec. 7.70. Passed 11-3-82.)

1337.09 REPEALER.

All ordinances or portion of ordinances in conflict herewith are hereby repealed.
(Ord. 12-1982 Sec. 7.80. Passed 11-3-82.)

1337.10 INTERPRETATION.

The provisions of this Subdivision and Land Development Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulations, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail. (Ord. 12-1982 Sec. 7.90. Passed 11-3-82.)

1337.97 PREVENTIVE REMEDIES.

(a) In addition to other remedies, the City 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.

(b) The City 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 any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:

- (1) The owner of record at the time of such violation.
- (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(c) As any 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 City 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. 19- 1991 §18. Passed 7-2-91.)

1337.98 JURISDICTION.

District Justices shall have initial jurisdiction in proceedings brought under Section 1333.16. (Ord. 19-1991 §19. Passed 7-2-91.)

1337.99 ENFORCEMENT REMEDIES.

Any person, partnership or corporation who or which has violated the provisions of any Subdivision or Land Development Ordinance enacted under this act or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of 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 the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this section. (Ord. 19-1991 §20. Passed 7-2-91.)

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1983 Replacement

TITLE FIVE - Planned Residential Development

- Art. 1351. Short Title and Purpose.
- Art. 1352. Definitions.
- Art. 1353. Eligibility and Design Standards.
- Art. 1354. Procedures.
- Art. 1355. Administration.

ARTICLE 1351
Short Title and Purpose

- 1351.01 Short Title.
- 1351.02 Statement of intent and authority.
- 1351.03 Purposes.

CROSS REFERENCES

- Purposes - see Act 247 Sec. 701 (53 P.S. Sec. 10701)
- Grant of power - see Act 247 Sec. 702 (53 P.S. Sec. 10702)

1351.01 SHORT TITLE.

Articles 1351 through 1355 shall be known and may be cited as the "City of York's Planned Residential Development Ordinance of 1982."
(Ord. 13-1982 Sec. 1.00. Passed 11-3-82.)

1351.02 STATEMENT OF INTENT AND AUTHORITY.

Council proposes to establish qualifications, procedures and standards for planned residential developments. Therefore, under and by virtue of the authority granted under Article VII of the Pennsylvania Municipalities Plan Code, Act 247 of July 31, 1968, as amended, Council does hereby enact this Planned Residential Development Ordinance.
(Ord. 13-1982 Sec. 1.10. Passed 11-3-82.)

1351.03 PURPOSES.

The purpose of this Planned Residential Development Ordinance is to:

- (a) Insure that the provisions of the City Zoning Ordinance which are concerned with the uniform treatment of dwelling type, bulk, density and open space within each zoning district, shall not be applied to the improvement of land by other than lot-by-lot development in a manner which would distort the objectives of such Zoning Ordinance;
- (b) Encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety of type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to such dwellings;

- (c) Provide greater opportunities for better housing and recreation for all who are or shall be residents of the City;
- (d) Encourage a more efficient use of land and public services and to reflect changes in the technology of land development so that the economics so secured may enure to the benefit of those who need homes; and
- (e) In aid of these purposes, provide a procedure which can relate the type, design and layout of residential development to the particular demand for housing existing at the time of development in a manner consistent with the preservation of the property values within existing residential areas, and to ensure that the increased flexibility of regulations over land development established hereby is carried out pursuant to sound, expeditious and fair administrative standards and procedures. (Ord. 13-1982 Sec. 1.20. Passed 11-3-82.)

ARTICLE 1352
Definitions

1352.01 Language interpretation.

1352.02 Definitions

CROSS REFERENCES

Zoning definitions - see P.& Z. Art. 1301
Subdivision and land development ordinance - see P.& Z. Art. 1332
Storm water management and erosion and sedimentation control
definitions - see Art. 1372

1352.01 LANGUAGE INTERPRETATION.

For the purpose of this Planned Residential Development Ordinance, certain words shall have the following interpretations assigned to them:

- (a) Words in the present tense include the future. The singular number includes the plural and the plural includes the singular.
- (b) The word "shall" is always mandatory.
(Ord. 13-1982 Sec. 2.00. Passed 11-3-82.)

1352.02 DEFINITIONS.

(a) As used in this Planned Residential Development Ordinance, the following words and phrases shall have the meaning indicated below:

- (1) "Applicant" means a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.
- (2) "Building area" means the floor area at ground level of all buildings occupying space within the residential land area. Included for the purposes of this definition are enclosed storage facilities, enclosed trash/garbage storage areas, garages, carports, covered porches, breezeways, etc.
- (3) "Common open space" means a parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of the planned residential development, not including streets, off-street parking areas and areas set aside for public facilities.
- (4) "Comprehensive Plan" means the Comprehensive Plan for the City of York.
- (5) "Density, gross" means the density calculated by dividing the total number of dwelling units by the gross site area in acres. This density is illustrative only, net density is controlling.

- (6) "Density, net" means the density in the residential land area portion of the site. Net density is calculated by dividing the total number of units by the net site area in acres. This density controls actual site capacity.
- (7) "Developer" means any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made an application for approval of a development plan.
- (8) "Development plan" means the provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Planned Residential Development Ordinance means the written and graphic materials referred to in this definition.
- (9) "Dwelling unit/single family detached" means single family residence that may be on an individual lot with private yards on all four sides of the house.
- (10) "Dwelling unit/single family detached-lot line" means a single family residence on an individual lot, of which one side of the building is set on a side property line. An easement for maintenance on the adjoining lot is one of the requirements for this type of construction. Windows on the lot line side of the dwelling are prohibited.
- (11) "Dwelling unit/duplex" means a single family semi-detached dwelling unit having only one dwelling unit from ground to roof and only one wall in common with another dwelling unit.
- (12) "Dwelling unit/multiplex" means an attached dwelling that may be single family or multi-family. All units may have independent outside access but this is not necessary.
- (13) "Dwelling unit/townhouse" means a single family attached dwelling with one dwelling unit from ground to floor, having individual outside access. A townhouse may either have two common walls or one common wall depending upon its location in a row of townhouses.
- (14) "Dwelling unit/garden apartment" means multi-family buildings where individual units share a common outside access.
- (15) "Apartment/mid-rise" means multi-family buildings where there are up to nine separate floors where each individual unit shares a common outside access.
- (16) "Gross site area" means all land area within the site as defined in the deed.
- (17) "Floor area" means the sum of the areas on all floors of the building or structure, including areas used for human occupancy as measured from the exterior faces of the walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies and below grade floor areas, but excluding open terraces, patios, atriums, balconies, carports, garages, breezeways and tool sheds.
- (18) "Maximum floor area" means the maximum floor area allowed by multiplying the floor area ratio times the gross site area. In cases where there is unusable land, this shall be deducted from the gross site area. The maximum floor area shall then be based upon the floor area ratio times the net site area.

- (19) "Floor area ratio" means the maximum permitted floor area divided by gross site area.
- (20) "Impervious surface, maximum" means the maximum amount of impervious surfaces that do not absorb precipitation. All parking lots, driveways, roads, sidewalks and any areas in concrete and asphalt shall be considered impervious surfaces within this definition. In addition, other areas determined by the City Engineer to be impervious within the meaning of this definition shall also be classed as impervious surfaces. All buildings, principal and accessory, are specifically excluded from this definition.
- (21) "Impervious surface ratio" means a measure of the intensity of land use. It is determined by dividing the total area of all impervious surfaces within the site by the gross site area.
- (22) "Landowner" means the legal or beneficial owner or owners of land, the holder of an option or contract to purchase whether or not any such option or contract is subject to any conditions, a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in the land.
- (23) "Land use intensity ratios" means a rating correlating land area, floor area, open space, parking requirements and types of structures into a range of densities. The floor area ratios, impervious surface and open space are based on land area, and the car ratios on the number of dwelling units.
- (24) "Net site area" means that portion of land area which remains after unusable land is subtracted from the gross site area.
- (25) "Nonresidential land" means land used for open space, recreation and parking.
- (26) "Occupant car space" means that part of land allocated for parking spaces for residents.
- (27) "Occupant car ratio" means the minimum number of parking spaces required for the occupants of the planned residential development for each dwelling unit.
- (28) "Open space, minimum" means the minimum amount of open space required by multiplying the open space ratio times the gross site area.
- (29) "Open space ratio" means the minimum permitted open space divided by gross site area.
- (30) "Planned residential development" means a contiguous area of land with or without existing structures controlled by a landowner to be developed or rehabilitated as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage and required open space to the regulations established in any one or more districts created from time to time under the provisions of the Zoning Ordinance.
- (31) "Plot" means the map or plan of a land development and/or redevelopment whether tentative or final.
- (32) "Residential land area" means the area within the project's gross site area, excluding unusable land and nonresidential land.
- (33) "Residential conversion" means the conversion of an industrial, commercial or institutional building from its original functional use to residential dwellings. Included in this definition are vacant residential units provided that the developer has within his control the entire block of houses.

- (34) "Section" means a geographical area or tract which is part of a proposed planned residential development which shall be developed according to a timetable for development over a period of years included by the applicant in the development plan.
- (35) "Stage" means a section or sections of which an applicant proposed to commence development at the same time, as part of a timetable for development of a planned residential development over a period of years.
- (36) "Total car ratio" means the minimum number of parking spaces required for occupants and visitors for each dwelling unit.
- (37) "Total car space" means that part of land allocated for parking spaces for residents and visitors.
- (38) "Unusable land" means land not beneficial to residential use due to location or character such as drainage ditches, steep slopes, dense woods, sidewalks and utility strips when their presence renders the land unusable for residential use. Active recreational areas shall not be included for purposes of this definition.
(Ord. 13-1982 Sec. 2.10. Passed 11-3-82; Ord. 28-1982 Sec. 2 and 3. Passed 12- 21- 82.)

ARTICLE 1353
Eligibility and Design Standards

1353.01 Eligibility.

1353.02 Development standards.

CROSS REFERENCES

Standards and conditions - see Act 247 Sec. 705

(53 P.S. Sec. 10705)

Normal district regulations - see P. & Z. Art. 1302

1353.01 ELIGIBILITY.

No application for tentative approval of a planned residential development shall be considered or approved unless the following conditions are met:

- (a) The development consists of a contiguous land area of at least two acres, except for residential conversions where no minimum size is required;
- (b) The development shall be served by the City's water supply and sewage disposal systems, which shall be constructed at the time construction of the structures in the development begins; and
- (c) The proposed development is found to be generally consistent with the Comprehensive Plan and Land Use Plan for the City.
(Ord. 13-1982 Sec. 3.00. Passed 11-3-82.)

1353.02 DEVELOPMENT STANDARDS.

(a) Permitted Uses. A planned residential development may include uses such as single family detached dwelling units, semi-detached and attached dwelling units, garden apartments and mid-rise apartments, and to the extent they are designed and intended primarily to serve residents of the planned residential development, noncommercial recreational facilities such as parks, playgrounds, tot lots, community centers, tennis courts, swimming pools, game rooms, etc.

(b) Land Use Intensity Standards and Related Requirements.

- (1) Land use intensity standards. For purposes of regulating development of vacant land or vacant buildings in RS2, RM1, RM2, CBD, CW, IL and IH Districts, land use intensity standards have been established for density, floor area, open space, building coverage, impervious surfaces and parking.

TABLE 1

Standards	RS2	RM1	RM2	CBD	CW	IL	IH
Net density (maximum)							
Without bonus	15	22	11	70	60	11	70
With bonus	22	27	15	80	70	15	80
Floor area ratio	.60	.75	.55	(*)	(*)	.55	(*)
Open space ratio	.40	.35	.50	.05	.5	.50	.05
Building coverage ratio	.40	.45	.25	.65	.65	.65	.65
Impervious surface ratio	.20	.20	.25	.30	.30	.25	.30
Occupant car space	2.00	1.50	2.50	1.00	1.50	2.50	1.00

(*) The floor area ratio for residential conversions varies according to the number of floors in the building proposed for residential conversion. A five story building would have a floor area ratio of 5:1; a four story building 4:1, etc.

(2) **Bonus density.** A bonus density of up to fifteen percent (15%) over and above the total allowable floor area may be achieved by meeting specific criteria beyond the basic performance standards. The various bonuses are cumulative. The higher densities may be allowed only in accordance with the bonus provisions contained in this section. In no event shall the average net residential density for planned residential developments exceed the net density with bonus provisions as set forth in the preceding table.

A. **Ownership.** Where the developer provides for individual ownership of dwelling units through acquisition or condominium agreement, a bonus shall be awarded in accordance with the following:

<u>Dwelling Units Proposed for Individual Ownership (Percent)</u>	<u>Bonus (Percent)</u>
100	15
75	10
50	5

B. **Landscaping.** Where the developer employs four or more of the following site design details a bonus of five percent (5%) shall be provided:

1. **Paving materials.** Sidewalks shall be of concrete with a two foot brick band running the entire length of the walkway.
2. **Focus areas.** The ground area of passive areas that are designed for group sitting shall be concrete and finished as either rough or smooth with aggregates exposed when desirable.

3. Lighting. All exterior lighting fixtures shall be designed and located for the use intended. Light sources shall meet the following minimum height requirements:

<u>Location</u>	<u>Minimum Feet Above Grade</u>
Pedestrian Walkways	12
Parking Lots	15
Streets	25

The level of illumination shall vary with the intensity of use of areas. High intensity light shall be required for areas which are heavily used, however lower intensity and colored illumination shall be used in less intensive use areas. The following lighting levels shall apply:

<u>Location</u>	<u>Residential Uses (Foot Candles)</u>
<u>Roadways</u>	
Collector streets	0.6
Local access streets	0.4
Alleys	0.2
<u>Pedestrian areas</u>	
Sidewalks	0.2
Pedestrian ways or focus areas	0.5

4. Benches. There shall be one bench for every five dwelling units planned. Bench construction shall be as follows:

- a. Along local walkways or paths and in focus areas wooden benches with backs shall be appropriately placed.
- b. Within focus areas, concrete benches without backs can be provided if integrated as tree planters, retaining walls or as other uses.

5. Trees. Along sidewalks or paths that do not run along streets, trees shall be planted every fifty feet within the brick band. Trees approved for planting within the open space areas are as follows:

<u>Evergreen</u>	<u>Deciduous</u>
Oriental spruce	Sugar maple
Douglas fir	White oak
	English elm
	Golden weeping willow

6. Terrain features. Natural or manmade terrain features shall be used to reinforce focus areas, provide direction or enclosure, or be used in combination with vegetative screening.

C. Bedroom mix. A mix of dwelling units with regard to a number of bedrooms is desirable to promote a balanced community. Although one of the advantages to a planned residential development is the potential for mix, it is not required. A bonus of

five percent (5%) is therefore provided when a developer within his development plan provides for any of the following bedroom mixes:

Percentage of Units		
1 Bedroom	2 Bedroom	3 Bedroom and More
50	25	25
25	50	25
25	25	50

(c) Design, Bulk and Location Standards.

(1) Site design.

- A. All housing shall be designed with regard to the topography and natural features of the site. The effects of prevailing winds, seasonal temperatures and hours of available sunlight on the physical layout and form of the proposed buildings shall be taken into account.
- B. All housing shall be sited in order to maximize external as well as internal view orientation in order to create opportunities for privacy as well as to ensure natural light for all principal rooms.
- C. Variations in setbacks shall be provided where necessary in order to create exterior identity and privacy.

(2) Tree conservation.

- A. Where existing trees are located in a development plan, they shall be preserved wherever possible. The protection of trees shall be an important consideration in determining the location of open space, buildings, underground utilities, walks, paved areas, playgrounds, parking areas and finished grade levels.
- B. Street trees approved for planting are as follows: Washington Hawthorne, Bradford Pear, Norway Maple, Greenspire Linden and Marshall Seedless Ash. Alternative species may be planted with the approval of the City Parks Coordinator. When sidewalks follow a street, the trees shall be placed between the curb line and the sidewalk at intervals to average forty feet.

(3) Streets.

- A. The street system shall be designed so as to relate harmoniously with land uses and adjacent streets, and to minimize through traffic in residential areas. There are several aspects which may lead to the varying of size or design of specific streets:
 - 1. Local access streets. Where a road is designed so that all dwelling units face onto open space or pedestrian zones, the road width may be twenty-two feet. Where local access streets are twenty-two feet, no on-street parking shall be permitted. (See Section 1334.02 for normal standards).
 - 2. Collector streets. Where a road is designed so that all dwelling units face onto open space or pedestrian zones, the road width may be thirty feet. Where collector streets are thirty feet, no on-street parking shall be permitted. (See Section 1334.02 for normal standards).

3. Rights of way. Where sidewalks do not run along the streets or where utilities are located outside of the right of way, the right of way may be reduced in width with the approval of the City Engineer.
 - B. In developed urban areas of the City, width of alleys as secondary access streets may be twenty feet for two way traffic and sixteen feet for one way traffic.
- (4) Sidewalks.
- A. The separation of sidewalks and streets may be accomplished where deemed appropriate. One or both sidewalks within street rights of way may be eliminated when it is shown that other functional pedestrian walkways are provided.
 - B. Sidewalks shall be of all-weather construction and capable of being easily cleared of snow and debris.
 - C. In order to achieve reasonable pedestrian access for each residence three different sidewalks should be distinguished for use where applicable:
 1. Walkways within the residential properties to provide access to parking and refuse disposal;
 2. Local paths or sidewalks connecting dwelling units and serving immediate common services such as informal meeting places, tot lots, etc; and
 3. Walkways connecting residents with commercial and community facilities, schools and larger public recreational facilities.
 - D. Sidewalks that are used as common area paths shall be four feet in width. Where substantial bicycle traffic is anticipated, a bicycle lane shall be incorporated in the walkway system; such a combined system shall be at least six feet in width.
 - E. Curb cuts should be provided for users of wheel chairs, wagons, tricycles and bicycles.
 - F. Street crossings should occur at intersections, however, if the design of the street and/or location of pedestrian paths dictate the use of mid-intersection crossings, this may be done.
- (5) Parking.
- A. All residential occupant and seventy-five percent (75%) of visitor parking shall be off-street. Remaining required space may be on-street. Spaces shall measure nine feet by eighteen feet each with aisles at least eighteen feet wide for one-way directional traffic and twenty-two feet wide for two-way traffic.
 - B. Parking in front yards is permissible only when the design of the street indicates there shall be no through traffic. Where garages are placed in the front yard, these shall not be required to meet the minimum setback, although adequate visibility shall be provided for safe backing onto the street.
 - C. Only visitor parking may overflow onto the street and only to the extent that it does not hinder traffic flow or sight distances for cars and pedestrians crossing the street.
 - D. All other requirements concerning the design and number of parking spaces shall be governed by Sections 1309.08 and 1309.09.

(6) Lighting.

- A. All off-street parking shall have lights that are adequate for night time use as well as be arranged so as to direct light away from adjoining residences.
- B. All sidewalks and paths shall be lighted adequately.
- C. All streets and areas of high pedestrian use shall be adequately lighted.
- D. All exterior lighting fixtures shall be designed and located for the use intended. Light sources shall meet the following minimum height requirements:

<u>Locations Minimum</u>	<u>Feet Above Grade</u>
Pedestrian walkways	12
Parking lots	15
Streets	25

The level of illumination shall vary with the intensity of use of areas. High intensity light shall be required for areas which are heavily used, however, lower intensity and colored illumination shall be used in less intensive use areas. The following lighting levels shall apply:

<u>Location</u>	<u>Residential Uses (Foot candles)</u>
<u>Roadways</u>	
Collector streets	0.6
Local access streets	0.4
Alleys	0.2
<u>Pedestrian Areas</u>	
Sidewalks	0.2
Pedestrian ways or focus areas	0.5

- E. All exterior lights shall be of the sodium type as opposed to the mercury vapor type.
- (7) Underground utilities. Electric, cable television and telephone lines shall be placed underground in accordance with P.U.C. and utility company regulations.
- (8) Storm water and erosion control. The development shall conform to the requirements of the City's Storm Water Management and Erosion and Sedimentation Control Code of 1981.
- (9) Open space. The development plan shall designate the use of open space and a planting plan or schedule. In designating use, the following classes shall be used:
 - A. "Lawn" means a grass area with or without trees which shall be used by the residents for a variety of purposes.
 - B. "Natural Area" means an area of natural vegetation which may or may not include unusable land; such areas may contain walkways.
 - C. "Recreation Area" means an area designated for a specific recreation use including but not limited to tennis, swimming, shuffle board, playfields and tot lots.

(10) Tot lots. The following number of tot lots shall be provided according to the number of two or three bedroom units provided in a development plan. Dwelling units designed as an adult community or elderly oriented shall be exempted from this requirement, however, focus areas as described in subsection (b)(12)B.2. hereof are required.

<u>Dwelling Units</u>	<u>Number of Tot Lots</u>	<u>Minimum Area Per Tot Lot (Square Feet)</u>
1 - 15	1	3000
16 - 30	2	3000
31 - 60	4	3000
61 - 90	6	3000

Tot areas in a development plan above ninety units shall be provided in the same proportional standards listed above. Tot areas shall have an array of equipment that shall encourage a child's perceptual and motor development through offering a wide variety of play opportunities. All ground surfaces of tot lots shall be of resilient surfacing materials such as tanbark, wood chips or shredded tires. Types of equipment to be included are appropriately sized swings for tots, spring animals, climbers, timberforms, low slides, etc.

(11) Neighborhood park. There shall be one neighborhood park provided in a development plan. The size of such park shall be regulated by Section 1336.10. For a development plan that provides for elderly units, the required neighborhood park is waived.

(12) Shelters. There shall be one pavilion for each neighborhood park indicated in the development plan. In addition, one bus shelter shall be provided for public transit riders when it is determined that the development is within the service area of the public transit system.

(13) Building types. Any of the following building types that may be proposed in a development plan shall be restricted to certain districts as indicated in Table II.

TABLE II
Zoning Districts Permitted In

<u>Building Types</u>	<u>RS2</u>	<u>RM2</u>	<u>RM1</u>	<u>CBD</u>	<u>CW</u>	<u>IL</u>	<u>IH</u>
Single-family detached	X	X				X	
Single-family detached - lot line	X	X				X	
Single-family duplex X	X	X			X		
Multi-plex (single-family or multi-family)	X	X	X			X	
Single-family townhouse	X	X	X		X	X	
Garden apartment		X	X	X	X	X	
Mid-rise 1-9 floors				X	X		
Residential conversions			X	X	X		X

(14) Building spacing requirement. The following spacing requirements are intended to prevent monotony in development and apply to any of the types of units that may be proposed in a development plan:

TABLE III

<u>Building Types</u>	<u>Minimum Distance Between Structures (Feet)</u>	<u>Additional Requirements</u>
Single-family detached	30	An easement for maintenance on the adjoining lots is required. Windows on the lot line side of the dwelling are prohibited.
Single-family detached - lot line	30	
Single-family duplex	20	No more than five units shall be attached in any group and groups shall average four units per structure.
Multi-plex (single-family or multi-family)	25	
Single-family townhouse	30	Rows of attached dwelling units shall not exceed eight units.
Garden apartments	50	Not less than three units and no more than sixteen dwelling units in a single structure.
Mid-rise Residential conversions	150 None	None

(15) Lot area requirements. Lot area requirements in all planned residential development applicable districts are waived for the purposes of this Planned Residential Development Ordinance.

(16) Setback from streets. The following setback from the street line apply to the districts in which any of the building types are proposed in a development plan:

TABLE IV

Zoning Districts (feet)

Building Types	<u>RS2</u>	<u>RM2</u>	<u>RM1</u>	<u>CBD</u>	<u>CW</u>	<u>IL</u>
Single - family detached						
Front	25	30	NA	NA	NA	30
Side	15	15	NA	NA	NA	15
Rear	0	0	NA	NA	NA	0
Single-family detached-lot line						
Front	25	25	NA	NA	NA	25
Side	0	0	NA	NA	NA	0
Rear	0	0	NA	NA	NA	0
Duplex						
Front	25	20	0	NA	NA	20
Side	20	20	29	NA	NA	20
Rear	0	0	0	NA	NA	0
Multi-plex						
Front	25	25	0 or 10	NA	0 or 10	25
Side	20	20	20	NA	20	20
Rear	0	0	0	NA	0	0
Townhouses						
Front	25	25	NA	NA	NA	25
Side	30	30	NA	NA	NA	30
Rear	0	0	NA	NA	NA	0
Garden apartments						
Front	NA	50	50	50	50	50
Side	NA	50	50	50	50	50
Rear	NA	0	0	0	0	0
Mid-rise						
Front	NA	NA	NA	75	75	NA
Side	NA	NA	NA	150	150	NA
Rear	NA	NA	NA	0	0	NA
Residential conversions - None						

NA means not applicable.

(17) Setback from parking areas. The following setbacks from parking areas apply to the district in which any of the building types are proposed in a development plan.

TABLE V

<u>Building Types</u>	<u>Minimum Distance from Parking Area (Feet)</u>
Multi-plex	20
Townhouses	20
Garden apartments	30
Mid-rise	30
Residential conversions	10

(18) Heights. Structures may be erected to the following maximum heights:

<u>Building Type</u>	<u>Height of Structures (Feet)</u>
Single-family detached	30
Single-family detached-lot line	30
Single-family duplex	25
Multi-plex (single-family or multi-family)	25
Single-family townhouse	30
Garden apartment	50
Mid-rise	90
Residential conversions	None

NA means not applicable

(19) Screening. Appropriate yards, fences or vegetative screening shall be provided in the planned residential development perimeter where needed to protect residents from undesirable views, lighting, noise or other off site influences, or to protect adjacent residential occupants of a neighborhood or general area from similar adverse effects.

(20) Planned residential development residential conversions. Within vacant buildings to which this Ordinance is applicable, the minimum following habitable floor area per dwelling unit shall apply:

<u>Bedrooms per Dwelling Unit</u>	<u>Minimum Floor Area (Square Feet)</u>
1	400
2	550
3 or more	700

(21) Private outdoor livability space. Each dwelling unit may have private outdoor living space which can be defined visually through the use of deciduous shade or evergreen screen trees, screen L-shaped sections of fence or through other landscaping elements. In the case where a development plan provides for garden apartments, balconies may be used to serve this purpose.

- (22) Landscaping, screen plantings and vegetation. Landscaping elements may include street or open space trees, screen plantings, shrubs, lawns, ornamental plantings or screen fences. These shall be utilized to the greatest extent possible in order to ensure and create privacy, while at the same time provide each dwelling unit's occupant freedom from the visual or noise intrusion of neighborhood dwelling units or areas.
- (23) Relationship between Planned Residential Development, Zoning and Subdivision Ordinances. All additional requirements not specifically mentioned in this Ordinance shall be regulated by the City's Zoning Ordinance and Subdivision and Land Development Ordinance.
- (d) Public Interest. In the case where the development standards of this Ordinance do not protect the public interests with regard to health, safety and welfare, Council shall impose additional standards upon the developer to insure compliance with the intent of this Ordinance as to correct inadequacies found herein.
- (e) Development in Stages. A developer may construct a planned residential development in stages if the following criteria are met:
- (1) The application for tentative approval covers the entire planned residential development and shows the location and approximate time of construction for each stage, in addition to other information required by this Ordinance.
 - (2) At least twenty-five percent (25%) of the dwelling units in the plan given tentative approval are included in the first stage.
 - (3) The second and subsequent stages are completed consistent with the tentatively approved plan and are of such size and location that they constitute economically sound units of development. In no event shall such stages contain less than twenty-five percent (25%) of the total dwelling units receiving tentative approval.
- (f) Standards for Location and Management of Open Space.
- (1) The open space shall be located so as to be consistent with the objectives set forth in the application for planned residential development. Where possible, it shall be designed as a contiguous area and be as close to all residences as possible, with green ways leading to recreation areas.
 - (2) Any of the following methods shall be used to preserve, own or maintain open space: Condominium, homeowner's association, dedication in fee or the retention of responsibility for maintaining the open space by the developer.
 - (3) The open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Uniform Condominium Act of July 1980. All open space land shall be held as "common element." Such land shall not be eligible for sale to another part except for transfer to another method of ownership permitted under this section, and then only where there is no change in the open space ratio.
 - (4) If a homeowner's association or open space trust is formed, it shall be governed according to the following regulations:
 - A. The organization is organized by the developer and operating with financial subsidization by the developer, if necessary, before the sale of any lots within the development.
 - B. Membership in the organization is mandatory for all landowners and purchasers of homes therein and their successors.
 - C. The organization shall be responsible for the maintenance of and insurance and taxes on common open space.

- D. The members of the organization shall share equitably the costs of maintaining and developing common open space in accordance with procedures established by them.
- E. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.
- F. In the event that the organization established to own and maintain a common open space or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan the City may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and such notice shall include a demand that such deficiencies of maintenance be cured within thirty days thereof, and shall state the date and place of or hearing thereon which shall be held within fourteen days of the notice. At such hearing the City may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within such thirty days or any extension thereof, the City, in order to preserve the taxable values of the properties within the development and to prevent the common open space from becoming a public nuisance, may enter upon such common open space and maintain the same for a period of one year. Such entry and maintenance shall not vest in the public any rights to use the common open space except when the same is voluntarily dedicated to the public by the residents and owners. Before the expiration of such year, the City shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents and owners of the development, to be held by the City, at which hearing such organization or the residents and owners of the development shall show cause why such maintenance by the City shall not, at the election of the City continue for a succeeding year. If the City shall determine that such organization is ready and able to maintain such common open space in reasonable condition, the City shall cease to maintain such common open space at the end of such year. If the City shall determine such organization is not ready and able to maintain such common open space in a reasonable condition, the City may, in its discretion, continue to maintain such common open space during the next succeeding year and subject to a similar hearing and determination in each year thereafter. The decision of the City in any such case shall constitute a final administrative decision subject to judicial review.

The cost of such maintenance by the City shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and shall become a tax lien on such properties. The assessments or charges shall be subordinate in lien to the lien of any mortgage or mortgages on the property which is subject to such assessments or charges regardless of when such mortgage or mortgages were created or when such assessments or charges accrued; provided that such subordination shall apply only to assessments or charges that have become payable prior to the passing of title under foreclosure of such mortgage or mortgages, and the transferee shall not be liable for payment of any assessments or charges accruing prior to such foreclosure, but nothing herein shall be held to affect the rights herein given to enforce the collection of such assessments or charges accruing after sale under foreclosure of such mortgage or mortgages; and provided, that such charges accruing after sale shall also be subordinate in lien to the lien of any further mortgage or mortgages which are placed on the property subject to such assessments or charges, with the intent that no such charges shall at any time be prior in lien of any mortgage or mortgages whatsoever on such property. The City, at the time of entering upon such common open space for the purpose of maintenance, shall file a notice of such lien in the office of the prothonotary of York County, upon the properties affected by such lien within the development.

- (5) In accordance with Section 706 of Act 247, the provisions of the development plan relating to the use, bulk and location of buildings and structures; the quantity and location of common open space; and the intensity of use or the density of residential units, shall run in favor of the City and shall be enforceable in law or equity by the City without limitation on any powers of regulation otherwise granted the City by law. The development plan shall specify those of its provisions which shall run in favor of, and be enforceable by residents of the development and the manner in which such residents may modify or release such rights.
- (6) The City may, but shall not be required to, accept any portion or portions of the common open space, as provided; such land is freely accessible to the public; there is not a cost involved; and the City agrees to and has access to maintain such lands.
- (7) The final form of preservation of common open space available is the developer's option to retain ownership and maintain such open space. (Ord. 13-1982 Sec. 3.10. Passed 11-3-82; Ord. 28-1982 Sec. 4 to 9. Passed 12- 21- 82.)

ARTICLE 1354
Procedures

1354.01	Approval process.	1354.05	Status of plan after tentative approval.
1354.02	Application for tentative approval.	1354.06	Application for final approval.
1354.03	Public hearings.		
1354.04	The findings.		

CROSS REFERENCES

Plan enforcement and modifications - see Act 247 Sec. 706 (53 P.S. Sec. 10706)
 State law provisions - see Act 247 Sec. 707 et seq. (53 P. S. Sec. 10707 et seq.)
 Administration and review - see P. & Z. 1355.01

1354.01 APPROVAL PROCESS.

Pursuant to Article VII of the Municipalities Planning Code, Act 247 the following constitutes the process for approval of a planned residential development:

- (a) The Planning Commission shall, in accordance with the provisions hereof, review and recommend approval/disapproval or approval with conditions of a tentative development plan.
- (b) The York County Planning Commission shall, in accordance with the provisions hereof, review and recommend approval/disapproval or approval with conditions of a tentative development plan. The County shall have thirty days after receipt of such plan to review and report to the City or forfeit the right of review. The County review is not binding on the City or the developer.
- (c) Council, within sixty days after the filing of an application for tentative approval of a planned residential development, shall hold a public hearing. Thirty days after the conclusion of the public hearing, the landowner shall be notified of the outcome concerning the tentative development plan.
- (d) If tentative approval without conditions is received, Council may grant final approval thirty days after the final development plan has been filed.
(Ord. 13-1982 Sec. 4.00. Passed 11-3-82.)

1354.02 APPLICATION FOR TENTATIVE APPROVAL.

(a) Pre-application Conference. Each prospective applicant shall confer with the staff of the Planning Commission and interested department heads prior to the preparation of a tentative application. It shall be the responsibility of the Commission staff to contact and invite department heads to a joint meeting. The general outlines of the proposal evidenced schematically by sketch plans and other pertinent base site information are to be considered before submission of a tentative application. The proposal shall be reviewed by the staff of the Commission with regards to the community development objectives of the City's Comprehensive Plan and the policies and procedures of the Commission. Thereafter, the Commission staff shall furnish the applicant with its written comments regarding such pre-application conference.

(b) Formal Application and Fee. A formal application accompanied by a fee established by resolution by Council shall be submitted to the Commission staff along with written statements and site plans, drawings, maps and sketches that make up a tentative development plan. The submission shall be reviewed and recommended upon by the Commission staff and formal review by the Commission shall follow.

(c) Design Standards Compliance. The application for tentative approval shall include documentation illustrating compliance with all of the standards for planned residential development in Article 1353 and where necessary the City shall order such documentation to aid them in their review.

(d) Documentation Required. Required documentation shall include, but not be limited to documents illustrating the following:

- (1) A legal description of the total site proposed for development including a statement of present and proposed ownership and present and proposed zoning. Names and addresses of all owners of adjacent property shall be submitted as well;
- (2) A statement of planning objectives to be achieved by the development through a particular approach proposed by the applicant. This should include a description of the character of the proposed development and reason behind the choices;
- (3) The application for tentative approval of a development shall include a written statement by the landowner setting forth the reasons why in his opinion, a development would be in the public interest and would be consistent with the Comprehensive Plan for the development of the City;
- (4) A statement indicating intentions with regard to the future selling or leasing of all or portions of the development, such as land areas, dwelling units, etc;
- (5) A development schedule indicating the approximate date when construction of the development or stages of the development can be expected to begin and be completed;
- (6) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential density; total proposed common open space; nonresidential uses and floor area; and
- (7) Information showing the feasibility of proposals for storm water disposition.

(e) Information Required. Application for tentative approval shall include but not be limited to the following information:

- (1) The existing site conditions including contours, flood plain areas, and the unique natural features;
- (2) Proposed lot lines and plot designs;
- (3) The location and floor area size of all existing and proposed structures and their interior improvements including maximum heights, types of dwellings and nonresidential structures and uses. Drawing should be sufficient to relay the basic architectural intent of the proposed improvements;
- (4) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas and similar public or semi-public areas;

- (5) The existing and proposed circulation system of arterial, collector and local streets including off-street parking areas, service areas, loading areas and major points of ingress and egress to the development. Notations of proposed ownership, public or private, should be included where appropriate;
- (6) The existing and proposed pedestrian circulation system;
- (7) The existing and proposed utility system;
- (8) A general landscape plan indicating the treatment of materials for private and common open space; and
- (9) The proposed treatment of the perimeter of the development including materials and techniques used such as screens, fences and walls.

(f) Copies. One copy of every application for tentative approval shall be forwarded to the City Planning Commission and to the York County Planning Commission for study and recommendation as required in Section 1351.01. The City Commission and the County Commission shall review and report on the application to Council within thirty days of such referral. One copy of the review of the respective Commission shall be furnished to the landowner not less than five days before the appointed time of the public hearing provided for in Section 1354.03. (Ord. 13-1982 Sec. 4.10. Passed 11-3-82.)

1354.03 PUBLIC HEARINGS.

(a) Within sixty days after the filing of an application for tentative approval of a planned residential development pursuant to this Planned Residential Development Ordinance, a public hearing pursuant to public notice on such application shall be held by Council in the manner prescribed in Act 247 for the enactment of a zoning amendment. The president, or, in his absence, the acting president, of Council or its designated agency may administer oaths and compel the attendance of witnesses. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.

(b) A verbatim record of the hearing shall be caused to be made by Council whenever such records are requested by any party to the proceeding; but the cost of making and transcribing such a record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence, shall be identified and duly preserved or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. (Ord. 13-1982 Sec. 4.20. Passed 11-3-82.)

1354.04 THE FINDINGS.

(a) Council, within thirty days following the conclusion of the public hearing provided for in this Planned Residential Development Ordinance, shall, by official written communication, to the landowner, either:

- (1) Grant tentative approval of the development plan as submitted;
- (2) Grant tentative approval of the development plan subject to specified conditions not included in the development plan as submitted; or
- (3) Deny tentative approval to the development plan.

Failure to so act within such period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however, the tentative approval is granted subject to conditions, the landowner may, within thirty days after receiving a copy of the official written communication of Council notify Council of his refusal to accept all such conditions, in which case, Council shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within such period, notify Council of his refusal to accept all such conditions, tentative approval of the development plan, with all such conditions, shall stand as granted.

(b) The grant or denial of tentative approval by official written communication shall include not only conclusions, but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and such communication shall set forth with particularity in what respects the development plan would or would not be in the public interest including but not limited to findings of fact and conclusions on the following:

- (1) In those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the City;
- (2) The extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
- (3) The purpose, location and amount of common open space in the planned residential development and the reliability of the proposals for maintenance and conservation of common open space as related to the proposed density and type of residential development;
- (4) The physical design of the development plan and the manner in which such design does or does not make adequate provision for public services, provide adequate control over vehicular traffic and further the amenities of light, air, recreation and visual enjoyment;
- (5) The relationship, beneficial or adverse, of the proposed development to the neighborhood in which it is proposed to be established; and
- (6) In the case of a development plan which proposed development over a period of years, the sufficiency of the terms and conditions, intended to protect the interests of the public and of the residents of the development in the integrity of the development plan.

(c) In the event a development plan is granted tentative approval, with or without conditions, Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed. Except upon consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than twelve months.

(Ord. 13-1982 Sec. 4.30. Passed 11-3-82.)

1354.05 STATUS OF PLAN AFTER TENTATIVE APPROVAL.

(a) The official written communication provided for in Section 1354.04 shall be certified by the Clerk of Council and shall be filed in his office and a certified copy shall be mailed to the landowner. Where tentative approval has been granted, the same shall be noted on the zoning map.

(b) Tentative approval of a development plan shall not qualify a plan of the planned residential development for recording nor authorize development or the issuance of any building permits. A development plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner and provided that the landowner has not defaulted nor violated any of the conditions of the tentative approval, shall not be modified or revoked nor otherwise impaired by action of the City pending an

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application or applications for final approval, without the consent of the landowner, provided an application for final approval is filed or, in the case of development over a period of years, provided applications are filed, within the periods of time specified in the official written communication granting tentative approval.

(c) In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon such development plan and shall so notify Council in writing, or in the event the landowner shall fail to file application or applications for final approval within the required period of time or times, as the case may be, the tentative approval shall be deemed to be revoked and all that portion of the area included in the development plan for which final approval has not been given shall be subject to those local ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the zoning map and in the records of the City Clerk.
(Ord. 13-1982 Sec. 4.40. Passed 11-3-82.)

1354.06 APPLICATION FOR FINAL APPROVAL.

(a) An application for final approval may be for all the land included in a development plan, or, to the extent set forth in the tentative approval, a section thereof. Such application shall be made to the City and within the time or times specified by the official written communication granting tentative approval. If the application for final approval is in compliance with the tentatively approved development plan, a public hearing need not be held.

(b) The application for final approval shall contain:

- (1) Site map. Four copies of the final plan with the following requirements and information:
 - A. Drawn at a scale of one inch equals 100 feet as the tentative plan was drawn;
 - B. The final plan site map shall be drawn on tracing cloth or be a transparent reproduction with black line on cloth or stable plastic base film. If the final plan site map is drawn in two or more sections, they shall be numbered consecutively and accompanied by a key map showing the location of the several sections;
 - C. For all street rights of way and property lines within the Planned Residential Development the following shall be shown: accurate dimensions, bearings or deflection angles of all straight lines; error of closure may not exceed one foot in 10,000 for slopes of less than ten percent (10%) or two feet in 10,000 for slopes of ten percent (10%) and over; and radii, arcs and central angles of all curves;
 - D. For other rights of way and easements, the location, bearings, dimensions and purpose.
 - E. Survey data shall include: primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings and similar data on the map are referred;
 - F. Number to identify each lot and/or site;
 - G. Number of dwelling units and density by type;
 - H. Purpose for which sites other than residential lots are dedicated or reserved;
 - I. Building locations and building setback lines on all lots and other sites;

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- J. Names of record owners of adjoining unplatted land;
 - K. Reference to recorded land development plans of adjoining developed land by record name, date and number;
 - L. Notarized certification of title showing that applicant is the owner of the land, that the land development shown is his act and deed, and that it shall be recorded as shown;
 - M. Certification by Registered Land Surveyor or Registered Professional Engineer certifying to accuracy of survey and plan;
 - N. The location of all proposed monuments and street signs and the location and methods of street lighting facilities;
 - O. A location map corrected and updated from the tentative plan;
 - P. Source of title;
 - Q. Provisions for approval signatures by the City officials;
 - R. Provisions for review signatures by the City and County Planning Commission if desired by landowner; and
 - S. Final erosion control plan.
- (2) Supporting data. The following data shall be included with the application for final approval:
- A. Corrected and updated from the tentative plan, all detailed drawings and specifications for improvements;
 - B. Two copies of a centerline profile and cross-section maps or diagrams of streets showing proposed grades, curbs, sanitary and storm water sewers, water lines and any other underground utilities at a minimum scale of forty feet horizontal and four feet vertical; and
 - C. Two copies of deed restrictions and/or protective covenants for development.
- (3) Certificates required. The following certificates are required:
- A. From a Registered Professional Engineer retained by the City certifying that the developer has installed all improvements to the specifications of these requirements and has complied with any conditions attached to the approval of the tentative plan by the City, or that the developer has posted a surety performance bond or other acceptable security in amount sufficient to assure completion of all required improvements;
 - B. From State agencies: certification that method of sewage disposal and water supply have been approved by the Pennsylvania Department of Environmental Resources; and certification of Sediment and Erosion Control Plan bearing approval of Pennsylvania Department of Environmental Resources;
 - C. Other certificates as may be required such as from the Pennsylvania Public Utility Commission; and
 - D. An agreement that the developer shall install underground utilities before paving streets and constructing sidewalks.
- (4) Fees. The final plan shall include thereon or be accompanied by filing fees and any other fee that may be required.

(c) In the event the application for final approval has been filed, together with all the drawings, specifications and other documents in support thereof, and as required by the ordinance and the official written communication of tentative approval, Council shall, within forty-five days of such filing grant such development plan final approval.

(d) In the event the development plan as submitted contains variations from the development plan given tentative approval, Council may refuse to grant final approval and shall, within forty-five days from the filing of the application for final approval, so advise the landowner in writing of such refusal setting forth in the notice the reasons why one or more of such variations are not in the public interest. In the event of such refusal, the landowner may either:

- (1) Refile his application for final approval without the variations objected; or
- (2) File a written request with Council that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternative action he may do so at any time within which he shall be entitled to apply for final approval, or within thirty additional days if the time for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternative actions within such time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within thirty days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner prescribed in this Planned Residential Ordinance for public hearing on applications for tentative approval. Within thirty days after the conclusion of the hearing, Council shall, by official written communication, either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this Ordinance.

(e) A development plan, or any part thereof, which has been given final approval shall be so certified without delay by Council and shall be filed of record forthwith in the Office of the Recorder of Deeds of York County before any development shall take place in accordance therewith. Upon filing of record of the development plan, the zoning and subdivision regulations otherwise applicable to the land included in such plan shall cease to apply thereto. Pending completion within a reasonable time of such planned residential development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of such development plan, or part thereof, as finally approved, shall be made except with the consent of the landowner.

(f) In the event that a development plan, or a section thereof is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved, and shall so notify Council in writing, or, in the event that the landowner shall fail to commence and carry out the planned residential development within such reasonable period of time as may be fixed by ordinance after final approval has been granted, no development or further development shall take place on the property included in the development plan until such property is re-subdivided and is classified by enactment of an amendment to the Zoning Ordinance of 1982, as amended.
(Ord. 13-1982 Sec. 4.50. Passed 11-3-82.)

ARTICLE 1355
Administration

1355.01 Administration and review.

CROSS REFERENCES

Plan enforcement and modifications - see Act 247 Sec. 706
(53 P.S. Sec. 10706)

Zoning Ordinance - see P. & Z. Art. 1301 et seq.

Procedures - see P. & Z. Art. 1354

1355.01 ADMINISTRATION AND REVIEW.

(a) Issuance of permits and all matters pertaining to administration of the plan as finally approved shall be the responsibility of the Zoning Officer.

(b) Upon application of the landowner showing compliance with the requirement of final approval, the Zoning Officer shall issue permits for construction, pursuant to the plan, or any section thereof.

(c) The provisions of Title I, of the York Zoning Ordinance of 1982, as amended, governing "administration" shall be fully applicable to the plan as finally approved insofar as the provisions thereof are consistent with the provisions of this Planned Residential Development Ordinance and the conditions of final approval. The Zoning Officer shall review the progress and status and construction of the plan and render monthly reports thereon to Council in order to assure compliance with the provisions of this Ordinance and the conditions of final approval. (Ord. 13-1982 Sec. 5.00. Passed 11-3-82.)

PLANNED RESIDENTIAL DEVELOPMENT- INDEX

(References are to sections.)

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Planned Residential			Planned Residential		
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TITLE SIX - Storm Water Management and Erosion and Sedimentation Control

- Art. 1371. General Provisions.
- Art. 1372. Definitions.
- Art. 1373. Regulations.
- Art. 1374. Plan Requirements.
- Art. 1375. Approval Requirements and Procedures.
- Art. 1376. Inspections and Certification.
- Art. 1377. Fees and Expenses.
- Art. 1378. Financial Guarantees and Maintenance.
- Art. 1379. Enforcement and Penalty.

APPENDIX - Publications

ARTICLE 1371
General Provisions

- | | | | |
|---------|------------------------|---------|---|
| 1371.01 | Short title. | 1371.04 | Applicability. |
| 1371.02 | Statement of findings. | 1371.05 | Compatibility with other permit and ordinance requirements. |
| 1371.03 | Purpose. | | |

1371.01 SHORT TITLE.

Articles 1371 to 1379 shall be known and may be cited as the "City of York Storm Water Management and Erosion and Sedimentation Control Code of 1981", and is referred to herein as this "Title Six". (Ord. 13-1981 §1. Passed 5-20-81.)

1371.02 STATEMENT OF FINDINGS.

Council of the City of York finds that:

- (a) Inadequate management of accelerated runoff of storm water resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of stream and storm sewers, greatly increases the cost of public facilities to carry and control storm water, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety.

- (b) A comprehensive program of storm water management, including reasonable regulation of development and activities causing accelerated erosion, is fundamental to the public health, safety and welfare and the protection of the people of the City of York and all the people of the Commonwealth, their resources and the environment. (Ord. 13-1981 §1. Passed 5-20-81.)

1371.03 PURPOSE.

The purpose of this Title Six is to promote the public health, safety and welfare by minimizing the damages described in Section 1371.02(a) by provisions designed to:

- (a) Control accelerated runoff and erosion and sedimentation problems at their source by regulating activities which cause such problems.
- (b) Utilize and preserve the desirable existing natural drainage systems.
- (c) Encourage recharge of groundwaters.
- (d) Maintain the existing flows and quality of streams and watercourses in the City of York and the Commonwealth.
- (e) Ensure that there is proper maintenance of all storm water management structures which are constructed in the City of York.
(Ord. 13-1981 §1. Passed 5-20-81.)

1371.04 APPLICABILITY.

The following activities are intended to be applicable under the provisions of this Title Six:

- (a) Land development.
- (b) Subdivision.
- (c) Earthmoving.
- (d) Construction of new or additional impervious or semipervious surfaces (driveways, parking lots, etc.).
- (e) Construction of new buildings or additions to existing buildings.
- (f) Nursery operations.
- (g) Diversion or piping of any natural or man-made stream channel.
- (h) Installation of storm water systems or appurtenances thereto.
(Ord. 13-1981 §1. Passed 5-20-81.)

1371.05 COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS.

Permits and approvals issued pursuant to this Title Six do not relieve the applicant of the responsibility to secure required permits or approvals for work to be done which is regulated by any other applicable code, rule, act or ordinance. The storm water management and erosion and sedimentation control regulations of this Title Six supersede any ordinances currently in effect for storm water management and erosion and sedimentation control. However, any underlying ordinance shall remain in effect to the extent that those provisions are more restrictive. (Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1372
Definitions

- 1372.01 Language interpretations.
1372.02 Definitions.

1372.01 LANGUAGE INTERPRETATIONS.

For the purpose of these regulations, certain words shall have the following meanings assigned to them:

- (a) Words in the present tense include the future. The singular number includes the plural and the plural includes the singular.
(b) The word "shall" is always mandatory.
(Ord. 13-1981 §1. Passed 5-20-81.)

1372.02 DEFINITIONS.

- (a) As used in Title Six, certain words are defined as follows:
- (1) "Accelerated erosion" means the removal of the surface of the land through the combined action of man's activities and natural processes at a rate greater than would occur because of the natural processes alone.
 - (2) "Cistern" means a reservoir or tank for storing water.
 - (3) "Culvert" means an enclosed conduit for transporting water under roads, driveways, etc.
 - (4) "Design storm" means the magnitude or precipitation from a storm event measured in probability of occurrence (e.g., 50-year storm) and duration (e. g., 24-hour), and used in computing storm water management control systems.
 - (5) "Detention basin" means a basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate. This basin is designed to drain completely after a storm event.
 - (6) "Developer" means a person or persons, partnership, association, corporation or other entity, or any responsible person therein or agent thereof, that undertakes the activities covered by this Title Six.
 - (7) "Disturbed area" means an area of land subject to earthmoving activities.
 - (8) "Diversion terrace" means a channel and a ridge constructed to a predetermined grade across a slope, and designed to collect and divert runoff from slopes which are subject to erosion.
 - (9) "Drainage easement" means a right of way granted by a landowner to a grantee, allowing the use of private land for storm water drainage purposes.

- (10) "Earthmoving activity" means activity resulting in the movement of earth or the stripping of vegetative cover from the earth.
- (11) "Erosion" means the removal of soil particles by the action of water, wind, ice or other geological agents.
- (12) "Groundwater recharge" means replenishment of existing natural underground water supplies.
- (13) "Hydraulic characteristics" mean the features of a watercourse which determine its water conveyance capacity.
- (14) "Hydrology" means properties, distribution and effects of water on the earth's surface, in the soil and underlying rocks, and in the atmosphere.
- (15) "Hydrograph" means a plot of the discharge of stream flow or runoff versus time.
- (16) "Impervious surface" means a surface which resists the penetration of water or other liquids.
- (17) "Infiltration structure" means a structure designed to direct runoff into the ground, e.g. french drains, seepage pits, seepage trench, etc.
- (18) "Land development" means:
- 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 buildings, or
 - 2. The division or allocation of land or space 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.
- (19) "Land disturbance" means earthmoving activities.
- (20) "Nursery" means a tract of land on which trees and plants are raised or stored for transplanting and sale.
- (21) "Outlet control structure" means a structure designed to control the volume of storm water runoff that passes through it during a specific length of time.
- (22) "Peak discharge" means the maximum rate of flow of water at a given point and time resulting from a predetermined storm.
- (23) "Rate of storm water runoff" means instantaneous measurement of water flow expressed in a unit of volume per unit of time, also referred to as "discharge". Examples: cubic feet per second (cfs); gallons per minute (gpm).
- (24) "Retention basin" means a basin or pond containing a permanent pool of water and designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate.
- (25) "Runoff" means that part of precipitation which flows over the land.
- (26) "Runoff characteristics" mean the surface components of any watershed which, either individually or in any combination thereof, directly affect the rate, amount and direction of storm water runoff. These may include, but are not limited to: vegetation, soils, slopes and any type of man-made landscape alterations.

- (27) "SCS" means Soil Conservation Service, U.S. Department of Agriculture.
- (28) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by water.
- (29) "Sediment basin" means a barrier, dam, retention or detention basin located and designed to retain rock, sand, gravel, silt, or other storm water transported material.
- (30) "Seepage pit/seepage trench" means an area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.
- (31) "Semi-pervious surface" means a surface such as stone, rock, concrete or other materials which permits some vertical transmission of water.
- (32) "Soil-cover complex method" means a method of runoff computation developed by SCS.
- (33) "Storm sewer" means a system of pipes or other conduits which carries intercepted surface runoff, street water and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.
- (34) "Storm water" means drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.
- (35) "Subdivision" means 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, transfer of ownership or building or lot development.
- (36) "Swale" means a low lying stretch of land which gathers or carries surface water runoff.
- (37) "Volume of storm water runoff" means quantity of water normally measured in inches, cubic feet or acre feet determined analytically from: runoff coefficients; rainfall/runoff ratios; and areas underneath hydrographs.
- (38) "Watershed" means the entire region or area drained by a river or other body of water whether natural or artificial.
- (Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1373
Regulations

1373.01 Storm water management.

1373.02 Erosion and sedimentation control.

1373.01 STORM WATER MANAGEMENT.

There shall be no increase in the rate of storm water discharge from any activity covered by this Title Six than would have occurred from the land prior to the activity.

(a) Method of Computation. Peak discharge and runoff shall be computed using the soil-cover complex method as set forth in the latest edition of "Urban Hydrology for Small Watersheds", Technical Release No. 55 as published by SCS, or by any other method approved by the York City Engineer.

(b) Rainfall Data. For the purposes of this Title Six, the following rainfall depths shall be used for design:

<u>Recurrence Interval (Years)</u>	<u>24-Hour Rainfall Depth (Inches)</u>
2	3.1
5	4.1
10	4.9
25	5.5
50	6.2

(c) Design Storms.

(1) All storm water retention/detention facilities shall be designed on the basis of providing adequate control for all storm frequencies of a 24-hour duration up to and including a 50-year design storm.

- A. Outflow (Q_o) determination. The maximum permitted storm water discharge (Q_o) in cubic feet per second, from any site shall not exceed the calculated discharge from the site at pre-development ground cover and soil conditions for all design storms specified below. The maximum permitted storm water discharge (Q_o) shall be calculated using the SCS method for twenty-four hour rainfalls having recurrence intervals of 2, 5, 10, 25 and 50 years.
- B. Existing runoff volume (VR1). Existing runoff volume (VR1), in inches, shall be determined using the SCS method at pre-development conditions for the 50-year rainfall depth listed in subsection (b) hereof.
- C. Future runoff volume (VR2). The future runoff volume (VR2), in inches, shall be determined at post-development conditions (including any future expansion) for the 50-year rainfall depth listed in subsection (b) hereof.

- D. Minimum required detention storage (VS). The minimum required detention storage (VS), in cubic feet, shall be determined from the following formula:

$$VS \text{ (cubic feet)} = (VR2 - VR1) \times (\text{site area in acres}) \times 4175$$

- (2) Storm sewer systems within a development shall be designed to accommodate the peak rate of runoff from a 10-year design storm.
- (3) Where Federal or State laws impose a greater design frequency, they shall prevail.
- (4) Emergency spillways or overflow structures shall be designed to release a 100 year design storm computed at post-development conditions.
- (5) For land development in the Willis Run watershed, subsection (c)(l) hereof is superseded in that peak discharge, runoff and storage requirements shall be determined as follows:
- A. Outflow (Q_o) determination. The maximum permitted storm water discharge (Q_o), in cubic feet per second, from any site shall not exceed the calculated discharge from the site at pre-development ground cover and soil conditions. The maximum permitted storm water discharge (Q_o) shall be calculated using the Soil Conservation Service method for a 3.74 inch rainfall per twenty-four hour period.
- B. Existing runoff volume (VR1). Existing runoff volume (VR1) in inches, shall be determined using the Soil Conservation Service method at pre-development conditions for a 3.74 inch rainfall per twenty-four hour period.
- C. Future runoff volume (VR2). The future runoff volume (VR2), in inches, shall be determined using the Soil Conservation Service method at post-development conditions (including any future expansion) for a 3.74 inch rainfall per twenty-four hour period.
- D. Minimum required detention storage (VS1). The minimum required detention storage (VS1), in cubic feet, shall be determined from the following formula:
 $VS1 \text{ (cubic feet)} = (VR2 - VR1) \times (\text{site area in acres}) \times 4175$.
- (d) Release Rate. The peak release of storm water from retention/detention facilities shall not be greater than the pre-development peak discharge rate. The City of York Engineer may require a reduced peak discharge rate should downstream conditions warrant such action.
- (e) Maintenance of Natural Drainageways. All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the City of York Engineer. All encroachment activities shall comply with the requirements of Chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Resources.

(f) Methods of Storm Water Runoff Detention Control.

- (1) The following is a listing of detention and control methods which may be utilized in storm water management systems, if appropriate.
 - A. Detention basins.
 - B. Retention basins.
 - C. Roof-top storage.
 - D. Parking lot and street ponding.
 - E. Seepage pits, seepage trenches or other infiltration structures.
 - F. Porous pavement and concrete lattice block surfaces.
 - G. Grassed channels and vegetated strips.
 - H. Cisterns and underground reservoirs.
 - I. Routing flow over grass.
 - J. Decreased impervious area coverage.
- (2) The use of other control methods which meet the criteria in this article shall be permitted when approved by the City of York Engineer. Various combinations of methods shall be tailored to suit the particular requirements of the type of development and the topographic features of the project area. (Ord. 13-1981 §1. Passed 5-20-81.)

1373.02 EROSION AND SEDIMENTATION CONTROL.

All land disturbance activities shall be conducted in such a way as to prevent accelerated erosion and resulting sedimentation.

- (a) Standards. Measures to control erosion and sedimentation shall at a minimum meet the standards of the York County Conservation District and Chapter 102 (Erosion Control) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Resources.
- (b) Control Techniques. Techniques for controlling accelerated erosion and resulting sedimentation include, but are not limited to:
 - (1) Minimization of exposed areas.
 - (2) Diversion of water away from the project area by diversion terraces or other means.
 - (3) Stabilization of slopes, channels, ditches or other disturbed areas.
 - (4) Interim stabilization of disturbed areas where appropriate.
 - (5) Collection of runoff for sediment removal in sediment basins.
- (c) Design. The applicant is urged to consult the publications listed in the Appendix to aid in design of control methods.
(Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1374
Plan Requirements

1374.01	General requirements.	1374.04	Plan approval.
1374.02	Plan contents.	1374.05	Plan modification.
1374.03	Plan submission.	1374.06	Exemptions.

1374.01 GENERAL REQUIREMENTS.

Prior to the final approval of subdivision and/or land development plans submitted to the City of York, or the issuance of any permit, the owner, subdivider, developer or his agent shall submit a storm water management plan to the York City Engineer for approval. The plan shall be designed and certified by a professional engineer licensed in the Commonwealth of Pennsylvania. (Ord. 13-1981 §1. Passed 5-20-81.)

1374.02 PLAN CONTENTS.

The following items shall be included in the plan:

- (a) General.
 - (1) Description of project.
 - (2) Description of erosion and sedimentation controls.
 - (3) Description of storm water controls both during and after development.
- (b) Topographic Features. A map of the project area showing:
 - (1) The location of the project relative to highways, municipalities or other identifiable landmarks.
 - (2) Contours at intervals of one foot. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.
 - (3) Streams, lakes, ponds or other bodies of water within or near the project.
 - (4) Other physical features including existing drainage swales and areas of natural vegetation to be preserved.
 - (5) Locations of proposed underground utilities, sewers and water lines.
- (c) Soils. An overlay showing soil types and boundaries.
- (d) Final Topography. A map showing:
 - (1) Changes to land surface and vegetative cover.
 - (2) Areas to be cut or filled.
 - (3) Structures, roads, paved areas and buildings.
 - (4) Final contours at intervals of one foot. In areas of steep slopes (greater than 15%), five-foot contour intervals may be used.

- (e) Erosion and Sedimentation Controls.
 - (1) The staging of all earthmoving activities shall be described, including, but not limited to, cuts and fills, streets, underground utilities, sewer and water lines, buildings, driveways, parking areas, recreational areas and other structures.
 - (2) The type, location and extent of all erosion and sedimentation control measures shall be shown on a map and described, including all calculations, assumptions and criteria used in designing the controls, and a schedule for their implementation.
- (f) Storm Water Management Controls.
 - (1) All storm water management controls shall be shown on a map and described, including:
 - A. Groundwater recharge methods such as seepage pits, beds or trenches. If these structures are used, the locations of septic tank infiltration areas and wells shall be shown.
 - B. Other control devices or methods such as rooftop storage, semi-pervious paving materials, grass swales, parking lot ponding, vegetated strips, detention or retention ponds, storm sewers, etc.
 - C. Schedule for installation of the control measures and devices.
 - (2) All calculations, assumptions and criteria used in the design of the control device or method shall be shown.
- (g) Maintenance Program. A maintenance program for all storm water management and erosion and sedimentation control facilities shall be included. This program shall include temporary maintenance during construction phases and shall include the ownership of the permanent control facilities and detail the financial responsibility for any required maintenance. (Ord. 13-1981 §1. Passed 5-20-81.)

1374.03 PLAN SUBMISSION.

- (a) The storm water management/erosion and sedimentation control plan may be submitted as part of the "Planning Module for Land Development" under the provisions of the Pennsylvania Sewage Facilities Act and/or in concurrence with the application of the building permit.
- (b) Three copies of the completed plan shall be submitted. (Ord. 13-1981 §1. Passed 5-20-81.)

1374.04 PLAN APPROVAL.

- (a) The York City Engineer shall recommend whether the plan be approved or disapproved within sixty days following its submission and shall notify the applicant of his decision in writing. A disapproval shall contain the reasons for disapproval and a listing of the plan deficiencies.
- (b) The York City Engineer shall forward a copy of the plan to the York County Conservation District for review. The District shall provide comment within forty-five days.

(c) Upon approval, the plan shall be submitted to the York City Planning Commission as part of the final subdivision or land development plan, if appropriate. York City Council shall approve plans, as required. (Ord. 13-1981 §1. Passed 5-20-81.)

1374.05 PLAN MODIFICATION.

A major modification to the storm water management/erosion and sedimentation control plan, when required, shall be approved under the procedures contained in Section 1374.04. (Ord. 13-1981 §1. Passed 5-20-81.)

1374.06 EXEMPTIONS.

The following activities are specifically exempt from the planning provisions of this Title Six:

- (a) Land disturbance associated with existing one or two-family dwellings.
 - (b) Land development for which a building permit has been issued prior to the date of this legislation and for which no storm water management provisions have been requested by the City of York Engineer.
 - (c) Use of land for gardening for personal consumption.
 - (d) Land development within a watershed which has adequate storm water management facilities that satisfy the requirements of this Title Six.
- (Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1375
Approval Requirements and Procedures

- | | |
|---|------------------------------------|
| 1375.01 Approval requirements. | 1375.03 Modification of plans. |
| 1375.02 Land disturbance activities as part of a subdivision or land development. | 1375.04 Suspension and revocation. |

1375.01 APPROVAL REQUIREMENTS.

All land disturbance activities as specified in Section 1371.04, except those specifically exempt from planning requirements by Section 1374.06, shall be conducted only after the issuance of plan approval by the City of York Engineer. The developer shall secure other appropriate permits before beginning land disturbance activities.

(Ord. 13-1981 §1. Passed 5-20-81.)

1375.02 LAND DISTURBANCE ACTIVITIES AS PART OF A SUBDIVISION
OR LAND DEVELOPMENT.

The applicant shall obtain other applicable permits after obtaining the required plan approval as specified in Article 1374.

(Ord. 13-1981 §1. Passed 5-20-81.)

1375.03 MODIFICATION OF PLANS.

A major modification to the storm water management/erosion and sedimentation control plan shall require a resubmittal of the plan and is to be processed in the same manner as the original submission. (Ord. 13-1981 §1. Passed 5-20-81.)

1375.04 SUSPENSION AND REVOCATION.

Any permit issued under this Title Six may be suspended or revoked by the City of York for:

- (a) A violation of any provision of this Title Six or any other applicable law, ordinance, rule or regulation relating to the work.
- (b) The existence of any condition or the commission of any act which constitutes or creates a hazard or nuisance, or which endangers the life or property of others. (Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1376
Inspections and Certification

1376.01 Schedule of inspections.

1376.01 SCHEDULE OF INSPECTIONS.

- (a) It is the responsibility of the permittee to notify the York City Engineer forty-eight hours in advance of beginning construction of storm water management facilities. The York City Engineer or his designee shall have the right to inspect all phases of development of the site including, but not limited to:
- (1) Completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil, and construction of temporary storm water management and erosion control facilities.
 - (2) Completion of rough grading, but prior to placing top soil, permanent drainage or other site development improvements and ground covers.
 - (3) During construction of the permanent storm water facilities at such times as specified by the York City Engineer.
 - (4) Upon completion of permanent storm water management facilities, including established ground covers and plantings.
 - (5) Upon completion of any final grading, vegetative control measures or other site restoration work done in accordance with the approved plan.
- (b) Any portion of the work which does not comply with the approved plan shall be promptly corrected by the developer. No work may proceed on any subsequent phase of the storm water management plan, the subdivision or land development or building construction until the required corrections have been made.
- (c) Upon completion, the owner's/developer's engineer shall certify in writing to the York City Engineer all aspects of the storm water management plan have been constructed in accordance with the approved plans.
- (d) If at any stage of the work, the York City Engineer determines that the soil or other conditions are not as stated or shown in the approved application, he may refuse to approve further work and may revoke existing approval until a revised plan is submitted and approved. (Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1377
Fees and Expenses

1377.01 General.		1377.03 Additional costs.
1377.02 Fees.		

1377.01 GENERAL.

Plan approval shall not be issued until the fee prescribed in this article has been paid. (Ord. 13-1981 §1. Passed 5-20-81.)

1377.02 FEES.

An applicant shall deposit with the City of York, a sum in the amount of two percent (2%) of the estimated cost of the proposed storm water management facility, but in no event less than fifty dollars (\$50.00). The sum deposited with the City of York shall be used to cover the following expenses:

- (a) The review of the storm water management/erosion and sedimentation control plan.
- (b) The site inspection.
- (c) The inspection of the required controls and improvements during construction.
- (d) The final inspection upon completion of the controls and improvements required in the plan.
- (e) Any additional work required to enforce the permit provisions, correct violations and assure the completion of stipulated remedial actions.
(Ord. 13-1981 §1. Passed 5-20-81.)

1377.03 ADDITIONAL COSTS.

Any additional costs incurred by the City of York in the administration of this Title Six may be charged to the applicant in the sum of the estimated costs as deemed necessary by the City of York. Upon completion of the storm water management facility and upon final approval thereof by the York City Engineer, any moneys in excess of City costs or expenses deposited by the applicant pursuant to this article shall be refunded to the applicant.
(Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1378
Financial Guarantees and Maintenance

1378.01	Performance bond.	1378.03	Escrow agreement.
1378.02	Maintenance bond.	1378.04	Maintenance by private entities or individuals.

1378.01 PERFORMANCE BOND.

Before granting approval, the City of York shall require a performance bond in an amount equal to one hundred percent (100%) of the estimated cost of all storm water management measures. Such bond shall be conditioned upon the faithful performance of the control measures within the times specified in the approved plan or within any extension thereof granted by the City of York, and shall be in favor of the City of York.

Such bond shall terminate when all control measures are completed and approved by the City of York Engineer. (Ord. 13-1981 §1. Passed 5-20-81.)

1378.02 MAINTENANCE BOND.

Upon completion of the required storm water management and erosion and sedimentation control measures, the applicant shall provide a two year maintenance bond which shall cover all permanent facilities installed by the developer which the City of York has agreed to accept.

Such bond shall be in favor of the City of York and shall provide surety satisfactory to the York City Solicitor. (Ord. 13-1981 §1. Passed 5-20-81.)

1378.03 ESCROW AGREEMENT.

In lieu of the required bonds, the applicant may deposit funds or securities in an escrow account satisfactory to the York City Solicitor. Funds deposited in this account for guaranteeing the construction or maintenance of control measures shall be used for these purposes only. (Ord. 13-1981 §1. Passed 5-20-81.)

1378.04 MAINTENANCE BY PRIVATE ENTITIES OR INDIVIDUALS.

(a) In cases where permanent control facilities are owned by a private entity or an individual, such entity or individual shall be responsible for maintenance. In this case a legally binding agreement between the entity or individual and the City of York shall be made providing for maintenance of all permanent control facilities, including the inspection by the City of York of all such facilities, deemed critical to the public welfare annually and after each major flood event. The agreement shall be recorded by the Recorder of Deeds in the Office of the York County Recorder of Deeds.

(b) If the City of York determines at any time that any permanent storm water management or erosion and sedimentation control facility has been eliminated, altered or improperly maintained, the owner of the property shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the City of York may cause the work to be done and lien all costs against the property. (Ord. 13-1981 §1. Passed 5-20-81.)

ARTICLE 1379
Enforcement and Penalty

1379.01	Right of entry.	1379.04	Penalty.
1379.02	Notification.	1379.05	Repealer.
1379.03	Modifications and variances.	1379.06	Severability.

1379.01 RIGHT OF ENTRY.

Upon presentation of proper credentials, duly authorized representatives of the City of York may enter at reasonable times upon any property within the City of York to investigate or ascertain the condition of the subject property in regard to any aspect regulated by this Title Six. (Ord. 13-1981 §1. Passed 5-20-81.)

1379.02 NOTIFICATION.

In the event that an owner, subdivider, developer or his agent fails to comply with the requirements of this Title Six, or fails to conform to the requirements of any permit issued thereunder, the City of York shall provide written notification of violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Upon failure to comply within the time specified, the owner, subdivider, developer or his agent shall be subject to the penalty provisions of this Title Six or other penalty provisions contained in the subdivision and land development ordinance. (Ord. 13-1981 §1. Passed 5-20-81.)

1379.03 MODIFICATIONS AND VARIANCES.

(a) The provisions of this Title Six are the minimum standards for the protection of the public welfare. The York City Engineer shall have the right to modify or extend them as may be necessary in the public interest.

(b) Where the City of York Engineer finds that extraordinary hardship may result from strict compliance with this Title Six, he may vary the strict terms and conditions of this Title Six so that substantial justice may be done and the public interest secured; provided, however, that such variation will not have the effect of nullifying the interest and purpose of this Title Six.

(c) In granting variances and modifications, the York City Engineer may impose such conditions as will, in his judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(d) Decisions of the City of York Engineer are subject to appeal to the York City Council. (Ord. 13-1981 §1. Passed 5-20-81.)

1379.04 PENALTY.

(a) Anyone violating the provisions of this Title Six shall be guilty of a summary offense, and upon conviction shall be subject to a fine of not more than six hundred dollars (\$600.00) for each violation, recoverable with costs, or imprisonment of not more than thirty days, or both. Each day that the violation continues shall be a separate offense. (Ord. 53-1989 §1. Passed 5-2-89.)

(b) In addition, the City of York may institute injunctive, mandamus or any other appropriate action or proceeding at law or equity for the enforcement of this Title Six. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief. (Ord. 13-1981 §1. Passed 5-20-81.)

1379.05 REPEALER.

Any ordinance of the City of York inconsistent with any of the provisions of this Title Six is hereby repealed to the extent of the inconsistency only. (Ord. 13-1981 §1. Passed 5-20-81.)

1379.06 SEVERABILITY.

Should any section or provision of this Title Six be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Title Six. (Ord. 13-1981 §1. Passed 5-20-81.)

APPENDIX
Publications

Storm water management and erosion and sedimentation control publications.

1. Chapter 102. Erosion Control, Title 25, Rules and Regulations of the Department of Environmental Resources.
2. Chapter 105. Water Obstructions and Encroachments, Title 25, Rules and Regulations of the Department of Environmental Resources.
3. Engineering Field Manual for Conservation Practices, 1975, U.S. Department of Agriculture, Soil Conservation Service.
4. Erosion and Sediment Control Handbook, York County Conservation District.
5. Guidelines for Storm Water Management, Department of Environmental Resources, Bureau of Dams and Waterway Management.
6. Soil Erosion and Sedimentation Control Manual, Department of Environmental Resources, Bureau of Soil and Water Conservation and Bureau of Water Quality Management.
7. Urban Hydrology for Small Watersheds, Technical Release No. 55, Soil Conservation Service, U.S. Department of Agriculture, January, 1975.

(Ord. 13-1981 §1. Passed 5-20-81.)