

## **Chapter 22**

### **Subdivision and Land Development**

#### **Part 1**

#### **Subdivision and Land Development**

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**Part 1****Subdivision and Land Development****§22-101. Short Title.**

This Part shall be known as the “Lewisberry Borough Subdivision and Land Development Ordinance.”

(Ord. 1979-1, 8/6/1979, §1)

**§22-102. Compliance Required.**

No person shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main, or other improvement or facility for public use, travel, or other purposes, or for the common use of occupants of buildings abutting thereon or served thereby, in connection with a subdivision or land development, or sell, transfer (which shall include, by way of example and not limitation, lease, mortgage, or devolution by will upon death), or agree or enter into an agreement to sell or transfer (which shall include, by way of example and not limitation, lease, mortgage, or devolution by will upon death), any land in a subdivision or land development or erect any building thereon, unless and until a plan has been prepared in full compliance with the provisions of this Chapter, and approved, signed and recorded as provided herein. No building or occupancy permit or certificate shall be issued unless there has been such compliance. The foregoing is applicable even though a tract, parcel or lot of land was acquired in smaller components, at different times or from different sources, or is described in separate components.

(Ord. 1979-1, 8/6/1979, §2)

**§22-103. Required Improvements.**

The developer shall install, construct and provide at his own expense, the following improvements.

A. *Streets.* New streets, and improvements to existing streets, within and abutting the tract to be subdivided or developed, with gutters, drains, street lights, curbs, sidewalks and other accessory improvements, as well as such improvements to existing streets near the tract to be subdivided or developed, all as in the Council's discretion is necessary or appropriate to promote or protect the public health, safety and general welfare in light of problems of traffic safety and congestion which it expects to occur due to the proposed development or subdivision, and the requirement that all lots front on a public street.

B. *Sanitary Sewage Facilities.*

(1) Facilities including, by way of example and not limitation, mains, laterals and manholes for the collection of sanitary sewage originating within the subdivision or land development and transportation thereof to the nearest facility of the Northern York County Regional Joint Sewage Authority, which is either in existence or planned for construction as part the immediate sewer area of Alternative #4 described in the 201 Facilities Planning Report for a Regional Wastewater System for said Authority dated December, 1978, as the

same may be amended, having the capacity to receive and transport it to a treatment plant.

(2) If the facility of said sewage authority is not yet in existence and operative, the developer shall:

(a) Plug the facility which he has constructed watertight pending connection with the facility of said authority.

(b) Install septic tank or other facility complying with the regulations of PA DEP for use pending completion of construction of such facilities. [Ord. 2007-2]

C. *Storm Drainage Facilities.* Such drainage facilities, including by way of example and not limitation, street gutters, swales, seepage pits, mains and inlets, culverts, bridges and retention basins, as in the Council's discretion will be adequate to:

(1) During a storm of 2-year frequency of occurrence:

(a) To keep lots, streets, crosswalks, sidewalks, intersections and other places of frequent use in the area being drained free of such runoff concentrations as will cause damage thereto or prevent the use thereof, for their intended purpose.

(b) To avoid the inundation by runoff, concentrations:

1) Of the area outside of curb lines, or if none, beyond the street right-of-way lines.

2) Of sidewalks.

3) Of at least one lane of minor local streets.

4) Of at least one lane in each direction of collector and arterial streets.

5) Of a controlled access freeway.

(2) During storms of a frequency of occurrence of up to 100 years:

(a) To keep buildings in the area being drained free of runoff concentrations.

(b) To protect the point where surface waters are discharged from the subdivision or land development, and downstream areas, from adverse impact on account of the subdivision or land development.

(3) Be adequate to limit the peak rate of runoff during storms having frequencies of occurrence up to 100 years from the subdivision or land development to a rate no greater than the rate of runoff from the site prior to the subdivision or land development.

(4) Be adequate to percolate waters into the ground so as to recharge underground aquifers to the same extent as prior to the subdivision or land development.

(5) Not concentrate runoff onto adjacent properties.

D. *Water Facilities.*

(1) *Generally.* Mains, service lines, pump stations, fire hydrants, valves, reservoirs, storage tanks, treatment facilities, and other facilities to convey and

distribute water from the Borough's water system to each dwelling unit, commercial establishment and industrial establishment, and to provide water for firefighting, within the subdivision or land development.

(2) *Source of Supply.* In the event that the estimated demand for water to be produced by the proposed subdivision or land development when added to the existing demand for water will exceed the capacity of the Borough's present sources of supply, additional sources of supply to satisfy such excess and the facilities connecting such additional sources to Borough's system; or, in the event that the Borough Council decides to take initiative to acquire such additional sources itself, a monetary contribution in the amount of the cost of such additional sources.

E. *Other.* Such other improvements as, in the discretion of the Council, are necessary to promote and protect the public health, safety, morals, and general welfare by solving any problems expected to occur due to the subdivision or development.

F. *Easements and Parcels of Land.* Easements and/or parcels of land upon or within which any of the aforesaid facilities are to be constructed or installed.

(Ord. 1979-1, 8/6/1979, §3; as amended by Ord. 2007-2, 12/17/2007)

#### **§22-104. Design and Construction Standards.**

1. The improvements and facilities referred to at §22-103, above, shall be of such layout, design, size, capacity, construction, and other characteristics as, in the Council's discretion, is necessary to promote and protect the public health, safety and general welfare, except that, in the case of sanitary sewage collection and transportation facilities referred to at §22-103.B(1), above, the design and specifications shall be as may be provided by the Northern York County Regional Joint Sewage Authority, and those referred to at §22-103.B(2)(b), above, shall comply with PA DEP regulations. [Ord. 2007-2]

2. Minimum lot dimensions and building setback lines shall be as the Borough Council may from time to time by resolution prescribe.

(Ord. 1979-1, 8/6/1979, §4; as amended by Ord. 2007-2, 12/17/2007)

#### **§22-105. Plans to Be Filed; Fee and Deposit.**

The developer shall file with the Borough Secretary six copies of the following documents:

A. *Site Plan.* A site plan showing:

(1) *Perimeter Survey.* A plotting of an on-site survey of the perimeter of the tract to be subdivided showing:

(a) The courses and distances of all straight lines.

(b) Radius, tangent and chord of all curved lines.

(c) The placement of concrete monuments at the intersections of lines forming angles and at the beginning and ends of curves and a notation of any former monuments.

(d) Names of abutting properties, or names of adjoining subdivision

or land development.

(e) Total acreage of tract.

(f) North point and graphic scale.

(g) Location map showing relation of site to streets and surrounding area.

(2) *Layout of Proposed Features.* A plotting of the layout of the proposed features including, by way of example and not limitation:

(a) Lots.

(b) Street right-of-way lines, together with location of paving, curbs, gutters, drains and sidewalks and other features to be located within streets.

(c) The location of proposed sanitary sewer facilities, storm drainage facilities, water service facilities, electric, gas and telephone utility facilities, and any other proposed features.

The same data required by subparagraphs (1)(a), (b), and (c), above, shall be required for clauses (a) and (b) of this subparagraph (2).

(3) *Existing Features.* A plotting of the existing features both within and near the tract to be subdivided or developed showing existing streets, rights-of-way and easements of utility companies and others, other public utility facilities streams, swales, culverts, and any other significant man-made or natural feature.

(4) *Topographical Survey.* Existing and proposed grades for the site shown at 20 foot intervals. Existing grades shall be determined by an on-site survey. [Ord. 2007-2]

(5) *Other Data.*

(a) The name and address of the owner of the tract and of the developer, if different.

(b) The name of the subdivision or land development and section, if any.

(c) The words "Preliminary Plan."

(d) An offer of dedication to the public of streets and other public facilities.

(e) A certification by a registered engineer or surveyor who prepared the plan, etc.

(6) *Street Construction Plan and Specifications.* The profile and cross-section pursuant to which streets are to be constructed or improved, showing, *inter alia*, the existing grade along the proposed centerline as well as the proposed finished grade along the centering, as well as width, type, and thickness of paving and typical cross-section.

(7) *Sanitary Sewage Facilities Construction Plan Specifications.* The plans to be filed in the construction of sanitary sewage facilities including:

(a) A horizontal plan showing the location, type, and size or capacity of the manholes, pumping station and other facilities proposed and any

necessary easements in which the same are to be located.

(b) Profile of a vertical plan or profile showing the proposed sewer lines or other facilities with relation to both existing and proposed finished grade of ground, with general elevations along the line.

(c) Flow data used in the design of the facilities.

(d) The specifications to be followed in constructing the facilities.

(8) *Storm Drainage Facilities Construction Plan and Specifications*. The plans to be filed in the construction of the storm sewage facilities showing:

(a) Location, size and capacity of mains, inlets, retention basins, seepage beds and other proposed facilities, as well as the easements within which the proposed facilities are to be constructed.

(b) Profile of a vertical plan or profile showing the proposed facilities and the existing and proposed finished grade of ground, with general elevations along the line.

(c) Runoff data and computations used in the design of the proposed facilities.

(d) The specifications to be followed in constructing the facilities.

(9) *Water Facilities Construction Plan and Specifications*. The plans to be filed in the construction of the proposed water facilities showing:

(a) Location, size and capacity of pump stations, valves, fire hydrants, storage tanks and other proposed facilities, as well as the location of the easements within which the same are proposed to be constructed.

(b) The capacity of the Borough's water system, as well as existing demand and additional demand to result from the proposed land development or subdivision.

(10) *Soil Erosion and Sedimentation Control Plans*. Plans showing the facilities to be installed and measures to be taken in compliance with PA DEP soil erosion and sedimentation control regulations. [Ord. 2007-2]

B. He shall also pay at the time of filing such fee and/or deposit for costs estimated to be incurred by Borough in connection with the review of the subdivision.

(Ord. 1979-1, 8/6/1979, §5; as amended by Ord. 2007-2, 12/17/2007)

#### **§22-106. Distribution of Documents.**

The Borough Secretary shall immediately distribute copies of the documents submitted pursuant to §22-105, above, to the York County Planning Commission, Borough Engineer, and the Northern York County Regional Joint Sewage Authority for review and a report in regard thereto.

(Ord. 1979-1, 8/6/1979, §6)

#### **§22-107. Review of Plans and Specifications.**

The plans specifications and documents required to be submitted by §22-105, above, shall be reviewed by an engineer designated by the Borough, who shall advise the

Council as to the completeness thereof, the adequacy of the design, layout, size, capacity, construction and other characteristics of the proposed land development or subdivision, and of the integration of the plans and specifications and the clarity and precision with which they express what is to be accomplished.

(Ord. 1979-1, 8/6/1979, §7)

**§22-108. Council Review and Action.**

1. *Approval or Disapproval.* The Borough Council shall, within the maximum period of time permitted by law, review the documents filed pursuant to §22-105, above, and the reports filed by the distributees pursuant to §22-106, above, and any matter it deems relevant, and at a public meeting approve (which may be conditionally or unconditionally) or disapprove the subdivision or land development as depicted on the documents filed pursuant to §22-105, above. The meeting may be held pursuant to public notice and interested members of the public shall be given an opportunity to be heard.

2. *Notification.* The applicant shall be notified of the Council's decision, in writing, within the maximum time permitted by law. If the subdivision or land development is disapproved, the reasons therefore shall be stated.

(Ord. 1979-1, 8/6/1979, §8)

**§22-109. Signing of Plan on Completion of Improvements, or Guarantee Thereof.**

If the subdivision or land development has been approved unconditionally or any conditions have been fulfilled the Borough Council shall cause the site plan filed pursuant to §22-105, above, to be signed, upon:

A. *Completion of Improvements, etc.*

(1) The developer having completed the construction of the improvements required by §22-103, above, in accord with the plans and specifications approved as provided in §22-108, above, and an engineer designated by the Borough shall certify in writing that, in his professional opinion, based upon such continuous on-site monitoring of such phases of construction and of such testing as in the professional opinion of said engineer shall be necessary in order to determine whether such construction shall have been in such accord, such construction shall have been in accord with such plans and specifications.

(2) The developer having paid to the Borough the costs incurred by it in connection with its engineer's review of the plans and specifications which the developer proposed to follow in the construction of said facilities and improvements and in continuous on-site monitoring of such construction and testing (and in the case of sewage facilities the costs incurred relative to the review and inspection by the engineer of the Northern York County Regional Joint Sewage Authority), as well as of its solicitor's services in connection with said land development or subdivision.

(3) The developer, having furnished to Borough or the Northern York County Regional Joint Sewage Authority, as applicable, "as-built" drawings of such of the facilities and improvements as required herein.

(4) The developer having transferred the facilities and improvements and any easements and parcels to the Borough or the Northern York County Regional Joint Sewage as applicable.

(5) The developer having executed such maintenance bonds and guarantees and warranties relative to the design and construction of the facilities and improvements and hold harmless agreements as Council may require.

B. *Guarantee of Performance.* Or, in lieu of paragraph .A, above, the developer having entered into an agreement with Borough and posted with Borough either:

(a) A performance bond with a surety company lawfully doing business in Pennsylvania as a surety company as surety wherein the developer is obligor and Borough and/or its nominee is obligee.

(b) A bond secured by a mortgage which is a first lien upon real estate, the title of the mortgagor to which shall be in fee simple and free and clear of all liens and such encumbrances as in the opinion of Borough's Solicitor shall not render title unmarketable and which shall have a fair market value in at least the amount of the bond plus estimated cost of foreclosure.

(c) An irrevocable letter of credit from a local bank.

(d) Cash, in such amount and in such form as is satisfactory to the Borough.

securing unto Borough the performance of the developer's obligations referred to in paragraph .A, above, within such time as specified.

(Ord. 1979-1, 8/6/1979, §9)

