

THE BOROUGH OF EAST PROSPECT  
YORK COUNTY, PENNSYLVANIA

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ORDINANCE NO. 1994-2

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AN ORDINANCE

AN ORDINANCE AMENDING, REVISING, RESTATING AND RE-ENACTING ORDINANCE NO. 1960-1 THE SHORT TITLE OF WHICH IS "BOROUGH OF EAST PROSPECT SUBDIVISION ORDINANCE", SO AS TO ESTABLISH RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND AND LAND DEVELOPMENT WITHIN THE BOROUGH OF EAST PROSPECT; ESTABLISHING PROCEDURES FOR THE PROCESSING OF APPLICATIONS FOR APPROVAL OF SUBDIVISION AND LAND DEVELOPMENT PLANS; PRESCRIBING THE PLANS, DOCUMENTS AND INFORMATION TO BE SUBMITTED BY SUBDIVIDERS AND LAND DEVELOPERS; PRESCRIBING THE IMPROVEMENTS AND FACILITIES TO BE FURNISHED BY A SUBDIVIDER OR LAND DEVELOPER, AS WELL AS DESIGN STANDARDS AND PERFORMANCE STANDARDS TO BE MET BY SUCH IMPROVEMENTS AND FACILITIES; AND REQUIRING THE SUBDIVIDER OR LAND DEVELOPER TO POST SECURITY THEREFORE WHERE APPROVAL OF THE PLAN PRECEDES THE CONSTRUCTION THEREOF.

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The Borough Council of The Borough of East Prospect, York County, Pennsylvania, hereby **ENACTS** and **ORDAINS** as follows:

**SECTION 1.** Ordinance No. 1960-1, the short title of which is "Borough of East Prospect Subdivision Ordinance" is hereby amended, revised, restated and re-enacted to read as follows:

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## ARTICLE I

### SHORT TITLE

Section 101. Short Title. This Ordinance shall be known as "Borough of East Prospect Subdivision and Land Development Ordinance".

## ARTICLE II

### DEFINITIONS

Section 201. Specific Words and Phrases. The following words and phrases have the meanings given to them in this Ordinance, unless the context clearly indicates otherwise.

"Applicant" is a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs and assigns.

"Application for Development" is every application, whether preliminary, tentative, or final, for the approval of a subdivision plat or plan or the approval of a development plan.

"Block" is an area bounded by streets.

"Borough Council" is the Borough Council of the Borough of East Prospect.

"Cartway" or "Roadway" is the portion of a street intended for vehicular travel.

"Developer" is 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.

"Development Plan" is the provisions for development including a planned residential development, a plat of subdivision, all covenants relating to 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 Ordinance shall mean the written and graphic materials referred to in this definition.

"Land Development" is any of the following:

- a. The improvement of one lot or two or more contiguous lots, parcels or tracts of land for any purpose involving:
  - i. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

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

- b. A subdivision of land.

"Landowner" is the legal or beneficial owner or owners of land including the holder of an option or contract to purchase [whether or not such option or contract is subject to any condition], a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

"Lot" is 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.

"Minor Subdivision" is:

- a. A subdivision or land development of single-family detached dwelling lots having less than 5 lots and which does not involve the construction or improvement of any streets or the construction or installation of sanitary sewage, storm water drainage, water service facilities, or any other public facilities in order to comply with the provisions of this ordinance or other applicable ordinances, laws or regulations; or
- b. A realignment of lot boundary lines where not more than 20% of the area of an existing lot is proposed to be incorporated into an adjoining lot in order to correct errors or for other purposes.

"Plat" is the map or plan of a subdivision of a land development, whether preliminary or final.

"Public Hearing", a formal meeting pursuant to public notice by the Borough Council [or the Borough Planning Commission, if there be one], intended to inform and obtain public comment, prior to taking action in accord with The Pennsylvania Municipalities Planning Code.

"Public Notice", a notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

"Receiving Officer" is the person designated by resolution of the Borough Council to receive Application Forms and Preliminary Plans and Final Plans for processing under this Ordinance.

"Review Period" is the period of ninety (90) days following the date of the regular meeting of the Borough Council next following the date the Application is filed, provided that should said next regular meeting occur more than thirty (30) days following the filing of the Application, the ninety (90) day period shall be measured from the thirtieth (30th) day following the day the Application has been filed; if there shall be a Borough Planning Commission in existence, the ninety (90) day period shall be based on the date of the next regular meeting of the Planning Commission or the Borough Council following the date the Application is filed, whichever first reviews the Application.

"Sight Distance" is the extent of unobstructed vision [in a horizontal or vertical plane] along a street from a point 3.5' above any given point on the surface of the street.

"Street" includes street, avenue, boulevard, road, highway, footway, parkway, lane, alley, viaduct and other ways used or intended to be used vehicular traffic or pedestrians whether public or private.

"Subdivision" is 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 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 or any residential dwelling, shall be exempted.



### ARTICLE III

#### SUBDIVISION CONTROL

Section 301. Compliance Required. No subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting or to abut thereon, except in accordance with the provisions of this Ordinance.

Section 302. Completion of Improvements or Guarantee Thereof Prerequisite to Final Approval. No Final Plan shall be finally approved unless the streets shown on such plat have been improved as required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Ordinance have been constructed and installed in accord with this Ordinance, or in lieu of completion, the Applicant shall have entered into an agreement with the Borough for the construction and installation thereof and provide security therefore, all as more fully provided in this Ordinance.

Section 303. Applicant's Burden. It shall be the Applicant's burden to demonstrate that a Preliminary Plan or Final Plan complies with this Ordinance, the Zoning Ordinance and all other applicable laws and regulations, by the submission of plans, documents calculations, narratives and other relevant material from which compliance can be determined without reference to any other material.

## ARTICLE IV

### PLAN PROCESSING PROCEDURE

Section 401. Pre-application. A prospective Applicant may request that Borough Council review a sketch plan and/or hold a pre-application conference in advance of the filing of his plan application. Neither the Applicant nor the Borough Council shall be bound by the content of the Sketch Plan or the review thereof.

Section 402. Preliminary Plan Procedures.

- A. Purpose. The purpose of the Preliminary Plan step is to sufficiently define the character and intensity of the subdivision or land development, the arrangement and approximate dimensions of streets and lots, the improvements, dedications and other features so as to minimize the need for changes and revisions in the Final Plan as submitted; and to afford members of the public an opportunity to make their views on the proposals known to the Borough Council.
- B. Submission of Documents. An Applicant shall prepare and submit to the Receiving Officer 10 copies of, i) such Application Form as the Borough Council may from time to time by resolution prescribe, and ii) the preliminary subdivision or land development plan ['Preliminary Plan'], together with such fee and/or deposit on account of the costs likely to be incurred by the Borough in the processing of the Plan as determined in accord with a current resolution of Borough Council.
- C. Distribution of Documents.
  - i. The Receiving Officer shall immediately distribute copies to:
    - a. The Borough Engineer - 1 copy;
    - b. The Borough Solicitor - 1 copy;
    - c. Each Borough Council member - 1 copy.
  - ii. Applicant's Responsibility. The Applicant shall immediately distribute copies of the Plan to:
    - a. The York County Planning Commission - 1 copy;
    - b. The York County Conservation District - 1 copy;together with the required fees of these agencies.

- iii. Notification of Neighboring Property Owners. The Applicant shall give written notice of the filing of the Plan to the person(s) who are shown on the real estate tax assessment records in the York County Assessor's Office to be the owners of all property located within 500' of the subject property, by regular mail addressed to the address of such person(s) as shown on such records, and file an affidavit with the Borough setting forth the contents of the notice, the names and addresses of the owners to whom notice was mailed and the time and place of mailing, as well as any that have been returned undelivered. The notice shall also state that it is the responsibility of interested parties to keep themselves apprised of the dates and times of public meetings of the Borough Council at which the Council will consider the Plan.
- D. Engineer's Review. The Borough Engineer shall within forty-five (45) days following the commencement of the Review Period review the Preliminary Plan and submit a written report to the Borough Council relative to the Plan's compliance with this Ordinance, the Zoning Ordinance and other applicable laws and regulations, particularly in light of planning and engineering considerations.
- E. County Planning Commission Review. The York County Planning Commission is requested within thirty (30) days of the commencement of the Review Period report to the Borough Council as to the compliance of the proposed Preliminary Plan with all applicable regulations.
- F. Solicitor's Review. Prior to the meeting at which Borough Council will review said Preliminary Plan, the Borough Solicitor shall review the Preliminary Plan and the reports of the Borough Engineer and the County Planning Commission and submit a written report to Borough Council relative to legal considerations, which shall include but not be limited to a proposed written decision conditionally approving, or rejecting, the Plan, in the event that the Plan is deficient.
- G. Council Review and Decision. Within the Review Period [or such additional time the Applicant has agreed to in writing] at a public meeting preceded by Public Notice, the Borough Council shall:
  - i. Review Reports. Review the reports of the Borough Engineer, the Borough Solicitor, and the York County Planning Commission;
  - ii. Public Comment. Hear the comments of:
    - a. The Applicant and his representatives;
    - b. Interested members of the public and representatives of governmental bodies or agencies;

- c. Such consultants as it may desire.
- iii. Decision. Render a written decision:
- a. Approving the Preliminary Plan, if it finds that the Plan complies with this Ordinance, the Zoning Ordinance and other applicable laws and regulations;
  - b. Conditionally approving the Preliminary Plan, it finds that the plan does not comply, but that the deficiencies are correctable, the conditions being that the defects be corrected in the Final Plan and that the correction of the defects not create new defects;
  - c. Rejecting the Preliminary Plan, if it finds that the plan does not comply and that the deficiencies are not correctable.

In the case of b., or c., the decision shall specify the defects found and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or Ordinance relied upon.

In the case of b., the decision shall, at the end thereof, set forth words of acceptance or rejection of the conditions, together with signature lines for each, whereby the Applicant can indicate his acceptance or rejection of the conditions, together with a notice to the Applicant that if he desires to accept the conditions he shall sign a photocopy of the decision at the indicated place and return the copy to the Receiving Officer within ten (10) days of the date of the decision, and that a failure to comply shall automatically rescind the approval and the Preliminary Plan shall be deemed rejected. A failure to sign the photocopy indicating acceptance of the conditions and return the same within the time specified shall automatically rescind the approval and the Preliminary Plan shall be deemed rejected.

### **Section 403. Final Plan Procedures.**

- A. Purpose.** The purpose of the Final Plan - Major Subdivision step is to provide the Borough Council with an opportunity to consider whether the Applicant proposes to layout, design and construct the proposed subdivision or land development and provide improvements in accord with this Ordinance and other applicable laws, including the fulfillment of any conditions attached to the approval of the Preliminary Plan, and an opportunity to require assurances and security that the same will be accomplished; and to afford members of the public an opportunity to make their views on such matters known to the Council, and to afford persons who are aggrieved by the Council's decision an opportunity to timely appeal to court.

- B.     Submission of Documents.     The Applicant shall prepare and submit to the Receiving Officer 10 copies of such application form as the Borough Council may from time to time by resolution prescribe and the final subdivision or land development plan ['Final Plan'], together with such fee and/or deposit on account of the costs likely to be incurred by the Borough in the processing of the Final Plan as determined in accord with a current resolution of Borough Council.
- C.     Distribution of Documents.
- i.     The Receiving Officer shall immediately distribute copies of the Final Plan to:
- a.     The Borough Engineer - 1 copy;
- b.     The Borough Solicitor - 1 copy;
- c.     Each Borough Council member - 1 copy.
- ii.    Subdivider's Responsibility.     The Applicant shall immediately distribute copies of the Plan to:
- a.     The York County Planning Commission;
- b.     The York County Conservation District;
- together with any required fees of these agencies.
- D.     Engineer's Review.     The Borough Engineer shall within forty-five (45) days following the commencement of the Review Period review the Final Plan and submit a written report to the Borough Council relative to the Plan's compliance with this Ordinance, the Zoning Ordinance and other applicable laws and regulations, including the fulfillment of any conditions attached to the approval of the Preliminary Plan, particularly in light of planning and engineering considerations.
- E.     County Planning Commission Review.     The York County Planning Commission is requested, within thirty (30) days following the commencement of the Review Period Commencement, review the Final Plan and submit a written report to the Borough Council as to the compliance of the Final Plan with all applicable regulations.

F.     Solicitor's Review. Prior to the meeting at which Borough Council will review said Final Plan, the Borough Solicitor shall review the Final Plan and the reviews of the Borough Engineer and the County Planning Commission and submit a written report to Borough Council relative to legal considerations, including but not limited to:

- i.     The effect of the matters shown on the Final Plan [including matters revealed in the title opinion that is part of the Final Plan] on the title to rights-of-way and easements, and parcels of land, on or within which are located facilities or improvements which Applicant proposes to be transferred to the Borough, East Prospect Borough Authority, or any other party, as well as the standing of the Applicant to submit the application for approval of the Final Plan;
- ii.    An itemization of the documents and other items, including but not limited to the agreement to construct the required facilities and improvement and the security therefore, easements and rights-of-way, deeds for parcels of land, and restrictions, required before the Final Plan may be finally approved;
- iii.   In the event that the Plan complies with applicable ordinances, laws and regulations, a proposed decision tentatively approving the Plan and specifying the requirements to be met before the Plan may be finally approved;
- iv.    In the event that the Plan is deficient, a proposed written decision conditionally approving, or rejecting, the Plan.

G.     Council Review and Decision. Within the Review Period [or such additional time the Applicant has agreed to in writing] at a public meeting preceded by Public Notice, and notice to the neighboring property owners described in Section 402., C., iii., above, which shall be given by the Applicant who shall follow the procedures set forth in said section, the Borough Council shall:

- i.     Review Reports. Review the reports of the Borough Engineer, the Borough Solicitor, and the York County Planning Commission.
- ii.    Public Comment. Hear the comments of:
  - a.     The Applicant and his representatives;
  - b.     Interested members of the public and representatives of governmental bodies or agencies;
  - c.     Such consultants as it may desire.

iii. Decision. Render a written decision:

- a. Tentatively approving the Final Plan, if it finds that the Plan complies with this Ordinance, the Zoning Ordinance and other applicable laws and regulations, and fulfills any conditions attached to the approval of the Preliminary Plan, and specifying the requirements to be met before the Final Plan may be finally approved [including but not limited to the Applicant's entry into an agreement to construct and instal the proposed public facilities and security therefore, and the deeds, easements and rights-of-way and title opinion 'bring down' to be furnished] ;
- b. Conditionally approving the Final Plan, it finds that the plan does not comply, but that the deficiencies are correctable, the conditions being that the defects be corrected and that the correction of the defects not create new defects, and specifying the requirements to be met before the Final Plan may be finally approved as more fully referred to in the bracketed matter in a., above;
- c. Rejecting the Final Plan, if it finds that the Plan does not comply and that the deficiencies are not correctable.

In the case of b., or c., the decision shall specify the defects found and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.

In the case of b., the decision shall, at the end thereof, set forth words of acceptance or rejection of the conditions, together with signature lines for each whereby the Applicant can indicate his acceptance or rejection of the conditions, together with a notice to the Applicant that if he desires to accept the conditions he shall sign a photocopy of the decision at the appropriate place and return the copy to the Receiving Officer within ten (10) days of the date of the decision, and that a failure to comply shall automatically rescind the approval and the Final Plan shall be deemed rejected. A failure to sign the photocopy indicating acceptance of the conditions and return the same within the time specified shall automatically rescind the approval and the Final Plan shall be deemed rejected.

In the case of b., or c., the decision shall also make determinations concerning the ownership, operation and maintenance of the required facilities and improvements, and the adequacy of the documents submitted pursuant to Section 501.1., B., ii., below, and as to the amount of any 'bond' to be required as a condition to the Borough's

acceptance of any non-income producing facilities or improvements required by Section 801, below.

- iv. Copy To Applicant; Notice to Others. Communicate the decision to the Applicant personally or mail it to him at his last known address not later than 15 days following the decision. Notice of the rendition of the decision and the place where the same may be examined shall be similarly communicated to those persons who have requested notice and left their name and address with the Borough Council.

H. Deemed Approval. Failure of Borough Council to render a decision and communicate 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 a change in the prescribed manner of proceeding.

I. Requirements for Final Approval.

- i. Applicant's Options. In order for a Final Plan that has been tentatively approved to be finally approved, the Applicant shall comply with either ii., or iii., below.

- ii. Completion of Improvements and Facilities. Applicant may:

- a. Construct and install the improvements and facilities shown on the Final Plan as tentatively approved in accord with the plans and specifications.

- (1) Whether or not this has been accomplished shall be determined by the Borough Engineer on the basis of an on-site observation and inspection of such phases of the work as will, in his judgement, enable him to make such a determination. The Engineer shall submit a written report of the results of his inspections to the Borough Council; a copy shall be made available to Applicant.

- (A) Applicant shall be responsible for making arrangements with the Engineer sufficiently in advance so as to allow him, considering his workload, to be present during such phases of the work as will, in his judgement, enable him to make such a determination.

- b. Submit 'as-built' plans depicting the facilities and improvements as actually constructed if there are deviations from what is called for in the Final Plan.



- (1) In such event, the Final Plan shall be deemed to be changed accordingly and the Borough Council may reconsider the tentative approval previously given in light thereof.
- c. Submit duly executed documents, in such form as to be recordable and otherwise as prescribed by the Borough Council upon a consideration of the advice of the Borough Solicitor, creating the easements and/or conveying title to the parcels of land within which the improvements and facilities are located, together with a title opinion 'bring down' showing no changes in the status of the title from the original title opinion as would conflict with the use of the areas burdened by the easements, or the parcels, for the purposes for which the improvements and facilities are intended.
- d. Transfer to this Borough, or East Prospect Borough Authority, as applicable, upon request following completion of construction, such of the facilities and improvements referred to at a., above, as are located within easements and do not automatically become a part thereof and/or pass with the easements.
- e. Furnish to this Borough, or East Prospect Borough Authority, as applicable, upon request following completion of construction, a full and complete release of mechanics liens executed by all subcontractors and materialmen who furnished labor, services or material in connection with construction of said facilities, duly sworn to by Applicant, or its officers, and warrant its title to said facilities.
- f. Enter into an agreement with this Borough in such form as prescribed by the Borough Council upon consideration of the advice of the Borough Solicitor:
  - (1) Warranting and guaranteeing unto the transferee of the facilities and improvements, which shall survive such transfer, conveyance or adoption, concerning such facilities and improvements:
    - (A) That the same have been constructed in accord with the applicable plan or construction plans and specifications;
    - (B) That the same are suitable for the purposes intended;

- (C) That all materials and equipment incorporated therein were, at the time of construction, new and of good quality and free from defects and that all work thereon will be of good quality and free from faults or defects;
- (D) That the design, location, layout and construction thereof is in accord with generally accepted engineering principles and the standards of the American Water Works Association in the case of water service facilities and of the standards of any applicable business or trade association in case of other facilities and, in addition, that all components have been or shall be [as applicable] installed pursuant to the manufacturer's specifications; and
- (E) That all applicable laws and regulations have been timely complied with.

Applicant's obligations in regard to these warranties and agreements shall be absolute. Neither the expiration or the correction period referred to in (3), below, nor any indication of satisfaction with the work by Borough or its Engineer, nor Borough's acceptance of the transfer of any of the facilities, nor Borough's use or occupancy thereof or any part thereof, nor any correction of defective work by Borough, nor Borough's failure to have advised Applicants of any defects, nor any of the foregoing acts or commissions by any other grantee or transferee, shall constitute any release to Applicant of said obligation.

- (2) Indemnifying and holding harmless this Borough and East Prospect Borough Authority, their respective agents, officers and employees of and from any loss on account of liability for costs of construction of the facilities and improvements, or personal injury, including death, or property damage, arising out of or in connection with the design or construction of the aforesaid facilities, or with the approval of the subdivision or land development, including by way of example and not limitation claims regarding storm water runoff damage or failure to have followed proper standards in approving the design or construction thereof or in finally approving the Final Plan and whether or not a claim is based upon the negligence of the party indemnified and held harmless, or on account

of the preparation for or settlement of any litigation which might result in such liability, including by way of example and not limitation counsel fees and court costs.

- (3) Agreeing that during the period of eighteen months after transfer of the facilities and improvements to perform such work, maintenance and/or repairs as may be determined by the Borough Engineer to be necessary to bring or maintain the same in compliance with the applicable construction plans and specifications, promptly and without cost to the Borough or the Authority and in accordance with Borough's written instructions, and promptly pay to Borough or the Authority all direct and indirect costs incurred in regard thereto, including by way of example and not limitation, compensation for additional professional services expended in connection therewith, or, if Borough or the Authority elects to make or perform such maintenance and repairs itself or have the same performed, the costs so incurred.
- g. Furnish unto the Borough and the Authority, and any other grantee or transferee, as applicable, a Maintenance Bond wherein Borough, the Authority, and any other grantee or transferee are obligee(s) and applicant the obligor, in the amount of fifteen per cent (15%) of the cost of construction of the improvements and facilities and in such form as may be prescribed by the Borough Council upon consideration of the advice of the Borough Solicitor and with corporate surety, or such other security, as is satisfactory to Borough, upon the completion of conveyance and transfer of the improvements and facilities and the adoption of the streets, conditioned upon Applicant's compliance with its aforesaid obligations under (f., 3), above.
    - h. Reimburse this Borough for costs incurred in connection with the proceedings on the Preliminary Plan and the Final Plan to the extent not defrayed by earlier deposits.
- iii. Agreement To Construct Facilities and Improvements; Security. In lieu of ii., Applicant, at his option, may:
  - a. Enter into an agreement with the Borough, in such form as prescribed by the Borough Council upon consideration of the advice of the Borough Solicitor, wherein Applicant shall agree, inter alia:

- (1) To construct and install the improvements and facilities shown on the Plan, on or before the date fixed in the written decision tentatively approving the Final Plan, in accord with the plans and specifications and such deviations as may be approved by the Borough Council upon consideration of the advice of the Borough Engineer and, if relevant, the Borough Solicitor.
  - (A) Whether or not this has been accomplished shall be determined by the Borough Engineer on the basis of an on-site observation and inspection of such phases of the work as will, in his judgement, enable him to make such a determination. The Engineer shall submit a written report of the results of his inspections to the Borough Council; a copy shall be made available to Applicant.
    - (i) Applicant shall be responsible for making arrangements with the Engineer sufficiently in advance so as to allow him, considering his workload, to be present during such phases of the work.
- (2) To submit 'as-built' plans depicting the facilities and improvements as actually constructed if there are deviations from what is called for in the Final Plan.
- (3) To guarantee unto this Borough, or East Prospect Borough Authority, as applicable, the payment as and when due of water and sewer rates, for water and sewer service provided to customers in the subdivision or land development via the said improvements facilities applicable to the period preceding the transfer of such facilities to Borough or East Prospect Borough Authority.
- (4) To pay all costs, charges or rates of the utility furnishing electric service for street lighting facilities located within streets which are to be adopted as public streets, and to indemnify and hold Borough harmless from all loss or claim on account thereof, until the streets lighted thereby have been adopted as public streets.
- (5) To transfer to this Borough, or East Prospect Borough Authority, as applicable, upon request following completion of construction, such of the facilities and improvements referred to at (1), above, as are located

within easements and do not automatically become a part thereof and/or pass with the easements.

- (6) To furnish to this Borough, or East Prospect Borough Authority, as applicable, upon request following completion of construction, a full and complete release of mechanics liens executed by all subcontractors and materialmen who furnished labor, services or material in connection with construction of said facilities, duly sworn to by Applicant, or its officers, and warrant its title to said facilities.
- (7) That Applicant warrants and guarantees in regard to the improvements and facilities referred to at (1), above, which warranty and guaranty shall survive conveyance, transfer or adoption:
  - (i) That the same shall be constructed in accord with the applicable plan or construction plans and specifications;
  - (ii) That the same shall be suitable for the purposes intended;
  - (iii) That all materials and equipment incorporated therein will be, at the time of construction, new and of good quality and free from defects and that all work thereon will be of good quality and free from faults or defects;
  - (iv) That the design, location, layout and construction thereof is in accord with generally accepted engineering principles and the standards of the American Water Works Association in the case of water service facilities and of the standards of any applicable business or trade association in case of other facilities and, in addition, that all components have been or will be [as applicable] installed pursuant to the manufacturer's specifications; and
  - (v) That all applicable laws and regulations have been to date and will be timely complied with.

- (8) That Applicant's obligations in regard to the matters warranted in (7), above, shall be absolute. Neither the expiration of the correction period referred to in (9), below, nor any indication of satisfaction with the work by Borough or its Engineer, nor Borough's acceptance of the transfer of any of the facilities, nor Borough's use or occupancy thereof or any part thereof, nor any correction of defective work by Borough, nor Borough's failure to have advised Applicant of any defects, nor any of the foregoing acts or omissions by any other governmental entity or private entity shall constitute any release of Applicant of said obligation.
- (9) That Applicant shall indemnify and hold harmless Borough, and East Prospect Borough Authority, as applicable, and their respective agents, officers and employees of an from any loss on account of liability for costs of construction facilities and improvements, or personal injury, including death, or property damage, arising out of or in connection with the design or construction of the aforesaid facilities or the approval of the subdivision or land development, including by way of example and not limitation claims regarding storm water runoff damage or failure to have followed proper standards in approving the design of construction thereof or in finally approving the Final Plan and whether or no any claim is based upon negligence the parties indemnified and held harmless, or on account of the preparation for or settlement of any litigation which might result in such liability, including, by way of example and not limitation, counsel fees and court costs.
- (10) That until eighteen (18) months shall have elapsed after the completion of the transfer of the improvements and facilities to this Borough, or East Prospect Borough Authority, as applicable, and the adoption by Borough of such streets as are to become public streets of the Borough, Applicant shall perform such work, maintenance and/or repairs to the aforesaid facilities as may be determined by the Borough Engineer to be necessary to bring or maintain the same in compliance with the applicable plan or plans and specifications and the warranties, promptly and without cost to the Borough, the Authority, or other grantee or transferee and in accordance with Borough's written instructions, and promptly pay to Borough, the Authority, or other grantee

or transferee all direct and indirect costs incurred in regard thereto, including by way of example and not limitation compensation for additional professional services expended in connection therewith, or, if Borough, or the Authority, elects to make or perform such maintenance and repairs itself or have the same performed, the costs as incurred.

- (11) To furnish unto the Borough and the Authority, and any other grantee or transferee, as applicable, a Maintenance Bond wherein Borough, the Authority, and any other grantee or transferee are obligee(s) and applicant the obligor, in the amount of fifteen per cent (15%) of the cost of construction of the improvements and facilities and in such form as may be prescribed by the Borough Council upon consideration of the advice of the Borough Solicitor and with corporate surety, or such other security, as is satisfactory to Borough, upon the completion of conveyance and transfer of the improvements and facilities and the adoption of the streets, conditioned upon Applicant's compliance with its aforesaid obligations under (10), above.
- (12) To reimburse to Borough, within 30 days of request, for reasonable fees paid to engineer and lawyer, or other costs incurred by Borough, in connection with the proposed subdivision or land development, to the extent the same shall not have been defrayed by a deposit required at the time of filing of the application for final approval. Any excess of a deposit over the actual costs incurred shall be returned to Applicant.

and

- b. (1) Furnish financial security for the performance of Applicant's obligations under the agreement referred to in a., above, in the amount of 110% of the estimated cost of completion estimated as of 90 days following the date scheduled for completion by Applicant. Annually the Borough may adjust the amount by comparing the actual cost of the improvements which have been completed and the estimated cost for completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the Developer to

post additional security in order to assure that the financial security equals said 110%.

- (2) The amount of the financial security shall be based upon the estimates of the cost of completion required to be submitted as part of the Final Plan by Section 501.1., B., below, which shall be as of ninety (90) days following the date scheduled for completion. The Borough Council may refuse to accept the estimate upon recommendation of the Borough Engineer for good cause shown. If Applicant and the Borough Council are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in the Commonwealth and chosen mutually by Applicant and the Borough Council. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. The fee of the third engineer shall be shared equally by the Borough and the Applicant.
- (3) The types of security which the Borough Council may accept shall include, but not limited to, cash, irrevocable letters of credit issued by federal or Commonwealth chartered lending institutions, restrictive or escrow accounts in such lending institutions, and corporate surety assumed by a surety company authorized to transact business in Pennsylvania. The Borough Council may require the Applicant to submit evidence of the financial stability and rating of the proffered lending institution or corporate surety. If cash is furnished, the Borough shall promptly deposit such cash in a separate savings account with a bank or savings and loan association lawfully doing business in Pennsylvania, which is subject to withdrawal by Borough on such notice as in the judgment of Borough Council is appropriate. Such account shall be entitled so as to indicate its character as security.

and

- c. Submit duly executed documents, in such form as to be recordable and otherwise as prescribed by the Borough Council upon a consideration of the advice of the Borough Solicitor, creating the easements and/or conveying title to the parcels of land within which the improvements and facilities are located, together with a title opinion 'bring down' showing no changes in



the status of the title from the original title opinion as would conflict with the use of the areas burdened by the easements, or the parcels, for the purposes for which the improvements and facilities are intended, or divest title. The Borough Council may require that Applicant place said documents in escrow, to be held by an escrow agent of Council's choosing, during construction, so that title not pass until delivery by the escrow agent.

J.     Final Plan Certification.

- a.     Following final approval, the Applicant shall present to the Borough, one (1) set of Final Plans which shall be a transparent original or a transparent reproduction of said Final Plan, and one (1) set of Final Plans which shall be paper copies. The Borough Engineer and representatives of the Borough Council shall sign their names on both sets.
- b.     Upon payment of any outstanding and not otherwise unreimbursed plan review fees or inspection fees incurred by the Borough, costs incurred by the Borough in connection with the proposed subdivision not otherwise defrayed by Applicant, the transparent copies of the Final Plan will be returned to the Applicant's Engineer or Surveyor for:
  - i.     Certification by the York County Planning Commission; and
  - ii.    Reproduction of copies and recordation of a copy.

- K.     Recordation. Following the certification by the County Planning Commission, and before the conveyance of any land, the Applicant's Engineer or Surveyor shall immediately prepare four (4) paper copies of the Plan, providing a further title 'bring-down' reveals that the status of title has not changed, record one (1) of the paper copies of the Site Plan in the Office of the York County Recorder of Deeds, the restrictions applicable thereto, as well as the easements and deeds relating to improvements and facilities if requested by the Borough Council. Additionally, the Recorder of Deeds Certificate shall be completed on the three remaining paper copies and upon the transparent copy. The three (3) paper copies and the Recorder's receipts shall be submitted to the Borough and the transparent copy retained by the Applicant's Engineer or Surveyor.

Should the Final Plan not be recorded within ninety (90) days of Borough Council's Final Plan approval, the Borough's action on the Plan shall be null and void.

Section 404. Minor Subdivision. The Final Plan procedures set forth in Section 403., above, shall apply, except that the review and decision-making procedures shall be abbreviated to reflect the absence of any need to construct and install facilities and improvements.

## ARTICLE V

### PLAN CONTENTS

#### SECTION 500 - PRELIMINARY PLAN.

Section 500.1. Plan Requirements. The Preliminary Plan shall be in accord with the following:

A. Drafting Standards.

1. Scale. The various required plans or sheets which are a part of the Preliminary Plan shall be drawn at a horizontal scale of 10 feet, 20 feet, 30 feet, 40 feet or 50 feet to the inch. Profile plans shall maintain a ratio of 1:5 vertical to horizontal. the same scale and ratio shall be maintained throughout.
2. Identification. Each plan or sheet shall be labeled to show the type plan and bear the words "Preliminary Plan", as well as the name of the subdivision or land development and the section, if any.
3. Dimensions. Dimensions of all lines shall be set in feet and decimal parts thereof; and bearings in degrees, minutes and seconds. All curved lines shall be set and expressed in radius, tangent, arc, chord, degree of curve and PI station.
4. Sheet Numbering. Each sheet shall be numbered and shall show its relationship to the total number of sheets.
5. Revisions. Where any revision is made, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the currently proposed features. Notations of revisions shall be listed, numbered and dated.
6. Boundaries. The boundary line of the subdivision or land development shall be shown in a distinctive manner.
7. Sheet Size. All plan sheets shall be either 18" x 24", 24" x 36", or 36" x 48", in size, and all sheets shall be of the same size in any particular subdivision or land development.
8. Legibility. All lettering shall be so drawn as to be legible without magnification if the plan should be so reduced to half size.

9. Labeling. Required documents other than plans shall be labeled to show the type document and bear the words "Preliminary Plan" with the name of the subdivision or land development and section, if any.

10. Legend. All symbols shall be explained.

11. Adjoinders. Names of adjoining owners and if the adjoining area is shown on a subdivision plan, the name and place of recordation of said subdivision plan shall be shown.

12. Orientation. A north point and graphic scale shall be set forth on each plan or sheet.

13. Tract Size. The acreage of the tract to be subdivided or developed and of the larger tract of which it is a part.

B. Required Documents. The Preliminary Plan shall show, inter alia, the Required Improvements set forth at Article VIII, below, and conform to the Performance Standards set forth at Article VI, below, and the Design Standards set forth at Article VII, below, and shall consist of the following documents:

1. Site Plan. A site plan showing:

a. Location Map. A location map showing relation of site to streets within 2,000 feet.

b. Perimeter Survey. A plotting of an on-site survey of the perimeter of the tract to be subdivided or developed, with monuments at all intersections of boundary lines.

c. Lot Areas. In tabular form by lot numbers, the number of square feet contained within each of the lots referred to at e., ii., below.

d. Existing Features. A plotting of an on-site survey of existing features both within and without the tract to be subdivided or developed showing:

i. Existing streets or roads on and adjacent to the site, including the existing width of right-of-way, paving, if any, curb lines, if any; if deemed relevant, the Borough Council may require the Applicant to furnish information relative to the proceedings wherein the road was laid out as a public road, including the place of record of such proceedings and the width of the right-of-way so established.



- viii. Fire hydrants.
- ix. Street signs.
- x. Traffic signals.
- xi. Walkways, bike paths or bridle paths not included at i., above.
- xii. Any other proposed features.

This plotting of proposed features shall be based on the perimeter survey required by b., above, and either a topographical survey, or the interpolation of U.S.G.S. Maps if in the opinion of the Engineer or Surveyor who has prepared the subdivision plan such interpolation accurately describes the terrain.

f. Engineer's Certification and Other Data.

- i. Certification by a registered engineer or surveyor who prepared the site plan:

"I do certify that I have carefully inspected the area shown on the within plan and have performed an on-site survey thereof horizontal [and, if applicable, topographical], and that the plan accurately depicts the existing features present in the area. The degree of accuracy of the horizontal survey is within a closure tolerance of 1 in 10,000.

(SEAL)

\_\_\_\_\_  
Registered Engineer/Surveyor

\_\_\_\_\_  
Address"

- ii. Name and address of the Owner, as well as the Applicant, if different.

2. Natural Conditions Map.

- a. Soil Map. Soil types within the site, based on maps contained in the Soil Survey of York County, Pennsylvania, U.S. Department of Agriculture, Soil Conservation Service, 1959. A table shall indicated each soil's limitations for community development, as shown in the Soil Survey.

- b. Contour Map. A topographical survey showing contour lines measured at vertical intervals of 2 feet for slopes of less than 10% and at vertical intervals of 10 feet for slopes of 10% or greater.
  - c. Vegetation Map. A vegetation map showing:
    - i. Forest areas.
    - ii. Large trees over 6 inch caliper standing alone.
    - iii. Other significant vegetation.
  - d. Water Resources Map. A water resources map showing:
    - i. Streams.
    - ii. Swales.
    - iii. Lakes and ponds.
    - iv. Wetlands.
    - v. Flood Plains.
3. Site Grading, Vegetation and Planting Plans. The site grading and landscaping plans shall show:
  - a. Existing grades as shown on the Contour Map referred to at 2., b., above, and proposed grades for the site and such surrounding areas as accurately depicts the storm water drainage problems related to the project and permits a fair evaluation of the proposed storm drainage facilities' capacity to deal with these problems, shown at 2 feet intervals, except that for areas with grades of greater than 10% the interval shall be 10 feet.
  - b. Existing vegetation to be removed.
  - c. Existing vegetation to be preserved.
  - d. Location of proposed street tree or other plantings.

4. Street Profile and Cross Section.

- a. Profile. A vertical plan or profile of proposed streets or existing streets to which alterations are proposed, showing:
  - i. Existing grade along proposed centerline.
  - ii. Proposed finished grade along proposed centerline, indicating:
    - (A) The Percentage of grade on tangents.
- b. Vertical curve data including length; elevations and minimum sight distance as required by Section 702., H., 5., below.

5. Sanitary Sewage Facilities. The plans to be followed in the construction of sanitary sewage facilities, as follows:

- a. Horizontal Plan. A horizontal plan showing:
  - i. Proposed location of mains, manholes, pumping stations and other facilities proposed to be constructed.
  - ii. Right-of-way lines of streets or other areas to be burdened by easements, or boundary lines of the parcel, in which the facilities are to be located.
  - iii. Location of all other sanitary sewage facilities [including those to which the proposed facilities are proposed to be connected], drainage facilities and facilities of public utility companies, in the vicinity of the facilities proposed to be constructed; the type and capacity of those to which the proposed facilities are to be connected.
- b. Profile. A vertical profile showing:
  - i. Vertical profile of existing ground surface along the sewer lines, with approximate elevations at tops of manholes and pump stations.
  - ii. Vertical profile of sewer lines showing type and size of pipe, grade, cradles, manholes, pumping stations and general elevations along the line.
  - iii. Vertical profile of finished ground surface along line if proposed to be different from i., above; and if not, a statement to that effect.



- c. Flow Data and Design Computation. Flow data and computations used in the design of the facilities proposed to be constructed.
    - d. DER Plan Revision Module. A DER Sewage Facilities Plan revision module.
- 6. Storm Drainage Facilities. The plans to be followed in the construction of storm sewage facilities, as follows:
  - a. Horizontal Plan. The horizontal plan shall show:
    - i. Location of mains, inlets, retention basins and seepage beds, and other facilities proposed to be constructed.
    - ii. Boundaries and centerline of swales or ditches through which storm drainage flows or is proposed to flow, together with cross-sections at appropriate locations.
    - iii. Boundary lines of areas burdened by easement or of the parcels in which facilities referred to in i. and ii., above, are to be located. The ownership the areas burdened by the easements, or of the parcels, if other than Applicant.
    - iv. Location of all other drainage facilities [including those to which the proposed facilities are proposed to be connected or are proposed to drain] and public utility facilities in the vicinity of the proposed storm drainage facilities; the type and capacity of those to which the proposed facilities are to be connected or are proposed to drain.
  - b. Profile. The vertical profile shall show:
    - i. Vertical profile of existing ground surface along lines with elevations at top of manholes, inlets and at retention basins and seepage beds.
    - ii. Vertical profile of storm drainage lines or other storm water management facilities showing type and size of pipe, grade, cradle, manholes, inlets, swales, ditches and retention basins or seepage pits and elevations along the flow line.

- iii. Vertical profile of finished ground service along line if different from 1., above.
  - c. Runoff Data and Design Computations. Runoff data and computations used in the design of the facilities proposed to be constructed and/or in relying upon existing facilities, channels, watercourses and swales. The calculations must show that the limitations on increased storm water runoff after development as set forth in Section 601., A., below, will be met.
- 7. Water Service Facilities. The water service facilities plans to be followed in the construction of the proposed water facilities, as follows:
  - a. Horizontal Plan. The horizontal plan shall show:
    - i. Location and, as applicable, size and capacity of pump stations, mains, valves, fire hydrants, reservoir or storage tanks and other facilities proposed to be constructed.
    - ii. Right-of-way and curb lines and paved cartway of street, or boundary lines of the areas burdened with the easements, or of the parcels, in which the facilities are to be located and the ownership thereof, if other than Applicant.
    - iii. Location of nearest existing Borough water main, size of main and elevation.
  - b. Increased Demand Data. Calculations and data showing the additional demand for water to be produced by the proposed subdivision or land development and used in the design of the facilities proposed to be constructed and demonstrating that the existing public water supply facilities can accommodate the increased demand.

#### SECTION 501 - FINAL PLAN.

Section 501.1. Plan Requirements. The Final Plan shall be in accord with the following:

- A. Drafting Standards. The drafting standards applicable to the Preliminary Plan and set forth at SECTION 500.1., A., shall be applicable, except that the plan shall be identified as a Final Plan rather than a Preliminary Plan.

B. Required Documents. The Final Plan shall be in accord with the Preliminary Plan and any conditions to which the approval thereof was made subject and shall show, inter alia, the Required Improvements set forth at Article VIII, below, and conform to the Performance Standards set forth at Article VI, below, and the Design Standards set forth at Article VII, below and shall consist of the following documents:

1. Site Plan. A site plan showing:

- a. Location Map. The same information as required for the Preliminary Plan.
- b. Perimeter Survey. The same information as required for the Preliminary Plan.
- c. Lot Areas. The same information as required for the Preliminary Plan.
- d. Existing Features. The same information as required for the Preliminary Plan.
- e. Proposed Features. A plotting of proposed features within and without the tract to be subdivided or developed [including the Required Improvements set forth in Article VIII, below], showing the same features as required for a Preliminary Plan by SECTION 500.2., b., l., e., above. The plotting shall be based on the perimeter survey required by b., above, and the topographical survey required by 2., below, but need not depict a pre-construction layout on the ground of the proposed features.
- f. Engineer's Certification and Other Data. Certification by a registered engineer or surveyor who prepared the site plan.

"I do certify that I have carefully inspected the area shown on the within plan and have performed an on-site survey thereof [both horizontal and topographical], and that the plan accurately depicts the existing features present in the area; and that proposed features having the dimensions, configuration and location shown hereon may be constructed on the site and will have the same relation to the existing features as shown thereon. The degree of accuracy is within a closure tolerance of 1 in 10,000.

(SEAL)

\_\_\_\_\_  
Requested Engineer/Surveyor\_\_\_\_\_  
Address

Date \_\_\_\_\_"

- g. Owner's Certification. A statement to be signed by the Landowner, certifying that he/she/they/it are/is the owner(s) of the subject property in fee simple and free and clear of all liens and encumbrances, and that the Final Plan is his/her/their/its act and deed.
- h. Officials' Signature Spaces. Places for Borough officials to sign indicating their approval of the Final Plan and for York County Planning Commission officials to sign to indicate their review of the Final Plan.
- i. Offer of Dedication. An offer of dedication to the public of the proposed streets and other public facilities
- j. Rights of Borough. If the Applicant desires that final approval be given before the completion of construction and transfer of the required improvements and public facilities, a notation that the areas burdened by easements for such improvements and facilities and any parcels of land where any such improvements and facilities are to be located are subject to the rights of Borough or its designee, and that a description of these rights may be had by contacting the Borough office.
- k. Disclaimer of Liability. Disclaimer of liability as follows:

"Neither the final approval of the Final Plan by East Prospect Borough Council, nor the enactment of the Borough of East Prospect Subdivision Ordinance, the inspection or approval by the Borough of construction of improvements and facilities within this subdivision, nor any proceedings taken by the Borough Council, the East Prospect Borough Planning Commission, or any of their officers, agents, employees or advisors (including but not limited to the Borough Engineer and Borough Solicitor) relative to this subdivision or land development shall constitute any representation relative to the conformity of the

subdivision or land development or any feature or aspect thereof to the provisions of this Ordinance or other applicable law, soundness of design or construction thereof, or suitability or fitness for purpose thereof, and shall create no liability on the part of the foregoing (including even for their own negligence) to any other persons."

2. Natural Conditions Map. The natural conditions map shall show shall show the same information as required for the Preliminary Plan by Section 500.1., B., 2., above.
3. Sight Grading, Vegetation and Planting Plans. The sight grading, vegetation and planting plans shall show the same information as required for the Preliminary Plan by Section 500.1., B., 3., above, except that:
  - a. Existing grades shall be determined on the basis of the topographical survey required by 2., above, and not by interpolation of U.S.G.S. Maps.
  - b. Location, specie and size of street tree plantings and the schedule upon which the same as to be accomplished shall be shown.
4. Street Construction Plans and Specifications. The plans and specifications to be followed in the construction of streets, as follows:
  - a. Horizontal Plan. The horizontal plan shall show details of the horizontal layout including:
    - i. Centerline with bearings, distances, curve data and stations corresponding to the profile.
    - ii. Right-of-way and curb lines with radii at intersections.
    - iii. Beginning and end of proposed construction.
    - iv. Tie-ins by courses and distances to intersection of all public roads, with their names and widths.
    - v. Location of any monuments and iron pins.
    - vi. Property liens and ownership of abutting properties.

vii. Location and size of all drainage structures, sidewalks, public utilities, lighting standards and street sign names.

b. Profile. The profile shall show:

i. Grade of existing ground surface along proposed centerline of street, based on the topographic survey required by 2., above.

ii. Finished grade along proposed centerline of street, indicating:

(A) The percent of grade on tangents.

(B) Elevations at 50 feet intervals, grade intersection and either end of curb radii.

c. Cross-Section. A typical street cross-section showing:

i. Right-of-way width and location and width of paving and stabilized shoulders.

ii. Type, thickness and crown of paving.

iii. Type and size of curb, if any.

iv. Grading of sidewalk area, if any.

v. Location, width, type and thickness of sidewalks, if any.

vi. Typical location of sewers and utilities with sizes.

d. Specifications. The specifications for construction of the streets depicted in the plans referred to at a., b., and c., above.

e. Estimate of Costs. Except in cases where the Applicant proposes to construct the streets before receiving approval of the Final Plan, an estimate of the cost of construction of the streets depicted in the plans referred to at a., b., and c., above, in accord with the specifications referred to in d., above, broken down into the various cost components, prepared by a Registered Professional Engineer licensed to practice in Pennsylvania, and certified by him to be a fair and reasonable estimate.

- f. Volume of Traffic. A report from a recognized traffic planner or traffic engineer showing the anticipated volume of traffic for the purpose of determining the width of streets within or abutting the subdivision. [See Section 702., B. and D., below].
- 5. Sanitary Sewage Facilities Construction Plans and Specifications. The plans and specifications to be followed in the construction of sanitary sewage facilities, as follows:
  - a. Horizontal Plan. The horizontal plan shall show:
    - i. Location of mains, manholes, pumping stations and other facilities proposed to be constructed, with stations corresponding to stations shown on the profile.
    - ii. Right-of-way lines of streets or other area to be burdened by easement or boundary lines of the parcel in which the facilities are to be located, and the current ownership thereof if other than the Applicant.
    - iii. The beginning and end of proposed construction.
    - iv. Location of laterals.
    - v. Location of all other sanitary sewage facilities [including those to which the proposed facilities are to be connected], drainage facilities and facilities of public utility companies in the vicinity of the facilities proposed to be constructed; the type and capacity of those to which the proposed facilities are to be connected.
  - b. Profile. The profile, based on the topographic survey required by 2., above, shall show:
    - i. Vertical profile of existing ground surface along the sewer lines, with elevations at 100 feet intervals and at the top of manholes and at pumping stations.
    - ii. Vertical profile of sewer lines showing type and size of pipe, grade, cradle, manholes, pumping stations and elevations along the line at 50 feet intervals.
    - iii. Vertical profile of finished ground surface along line if proposed to be different from i., above; and if not, a statement to that effect.

- c. Flow Data. Flow data and computations used in the design of the facilities proposed to be constructed.
  - d. Specifications. The specifications for the construction of the sanitary sewage facilities depicted in the plans referred to in a. and b., above, and any plans not otherwise required by a. and b., above, of any aspects of the facilities necessary to completely describe the proposed facilities.
  - e. Estimate of Costs. Except in cases where the Applicant proposes to construct the facilities before receiving approval of the Final Plan, an estimate of the cost of construction of the sanitary sewage facilities depicted in the plans referred to at a. and b., above, in accord with the specifications and plans referred to at d., above, prepared by a Professional Engineer licensed to practice in the Commonwealth, and certified by him to be a fair and reasonable estimate.
6. Storm Drainage Facilities Construction Plans and Specifications. The plans and specifications to be followed in the construction of storm sewage facilities, as follows:
- a. Horizontal Plan. The horizontal plan shall show:
    - i. Location of mains, inlets, retention basins and seepage beds, and other facilities proposed to be constructed, with stations corresponding to the stations shown on the profile, and with the grade between inlets and elevation of flow line and top of inlet.
    - ii. Boundaries and centerline of swales or ditches through which storm drainage flows or is proposed to flow, together with cross-sections at appropriate locations to accurately demonstrate the capacity thereof.
    - iii. Boundary lines of area burdened by easement or of the parcels in which facilities referred to in i. and ii., above, are to be located.
    - iv. Beginning and end of proposed construction.
    - v. Location of all other drainage facilities [including those to which the proposed facilities are to be connected or are to drain] and public utility facilities in the vicinity of the proposed storm drainage facilities; the type and capacity



of those to which the proposed facilities are to be connected or are to drain.

- vii. Perimeter lines and interior contour lines at one foot intervals of retention basins and seepage pits.
- b. Profile. The profile, based upon the topographic survey required by 2., above, shall show:
  - i. Vertical profile of existing ground surface along line with elevations at 100 feet intervals at top of manholes, inlets and at retention basins and seepage beds.
  - ii. Vertical profile of storm drainage lines or other storm water management facilities showing type and size of pipe, grade, cradle, manholes, inlets, swales, ditches and retention basins or seepage pits and elevations along the flow line at 50 feet intervals.
  - iii. Vertical profile of finished ground surface along line if different from i., above.
- c. Runoff Data and Design Computations. Runoff data and computations used in the design of the facilities proposed to be constructed and/or in relying upon existing facilities, channels, watercourses and swales. The calculations must show that the limitations on increased storm water runoff after development as set forth in Section 601., A., below, will be met.
- d. Specifications. The specifications for the construction of any storm drainage facilities depicted in the plan referred to at a. and b., above, and any plans or information not otherwise required by a., and b., above, of any aspects of the facilities necessary to completely describe the proposed facilities.
- e. Estimate of Costs. Except in cases where the Applicant proposes to construct the facilities before receiving approval of the Final Plan, an estimate of the cost of constructing the facilities depicted in the plans referred to at a. and b., above, in accord with specifications referred to at d., above, prepared by a Professional Engineer licensed to practice in Pennsylvania, and certified by him to be a fair and reasonable estimate.

**7. Water Facilities Construction Plans and Specifications.** The water facilities plans and specifications to be followed in the construction of the proposed water facilities are, as follows:

**a. Horizontal Plan.** The horizontal plan shall show:

- i.** Location and, as applicable, size and capacity of pump stations, mains, valves, fire hydrants, reservoir or storage tanks and other facilities proposed to be constructed.
- ii.** Right-of-way and curb lines and paved cartway of street, or boundary lines of the area burdened with the easement, or of the parcel in which the facilities are to be located and the ownership thereof if other than the Applicant.
- iii.** Location of service lines and curb stop and box.
- iv.** Beginning and end of proposed construction.
- v.** Location of nearest existing Borough water main, size of main and elevation and the existing water pressure.

**b. Specifications.** The specifications for the construction of the water service facilities depicted in the plans referred to at a. and b., above, and any plans or information not otherwise required by a., and b., above, of any aspects of the facilities necessary to completely describe the proposed facilities.

**c. Estimate of Costs.** Except in cases where the Applicant proposes to construct the facilities before receiving approval of the Final Plan, an estimate of the cost of constructing the facilities depicted in the plans referred to at a. and b., above, in accord with the specifications referred to at a., above, prepared by a Professional Engineer licensed to practice in Pennsylvania, and certified by him to be a fair and reasonable estimate.

**8. Soil Erosion and Sedimentation Control Plans.** Plans showing the components and facilities to be installed and the measures to be taken in complying with Pennsylvania DER soil erosion and sedimentation control regulations, including any time schedule, and the approval thereof by the York County Soil Conservation District.

9. Construction and Development Schedule Sheet. The construction and development schedule shall set forth the estimated time required to construct each of the facilities referred to at 4., 5., 6., and 7., above, and complete the landscaping and grading referred to at 3., above, and sequence of beginning and completion of each.
10. Restrictions. A copy of the restrictions which Applicant proposes to place against the subdivision or land development, which shall include measures that effectively prohibit the drainage of rain water, surface water, subsurface water, or other unpolluted water into the sanitary sewage system and the wasting of drinking water, as well as provide for access by personnel of the Borough or a municipal authority, or utility company providing water or sanitary sewage service for purposes relative to rendition or termination of service to portions of the property where are located facilities connected to the water or sanitary sewer system.
11. Administration of Improvements and Facilities Documents. Applicant's proposals for the ownership, operation and maintenance of the required improvements and facilities, together with the proposed documents establishing any proposed private entity.
12. Title Opinion. An opinion of an attorney-at-law acceptable to the Borough, certifying that he has examined, or caused to be examined, the title of the Applicant to the tract of land shown on the Final Plan in accord with generally accepted practices, and that based thereon he is of the opinion that said title is in fee simple and good and marketable and free and clear of all liens and encumbrances, except such exceptions as set forth therein. Copies of instruments referred to in the opinion shall be attached, together with the attorney's opinion and explanation as to whether such exceptions will interfere or be in conflict with the matters set forth on the Final Plan.

#### SECTION 502 - MINOR SUBDIVISION PLAN.

Section 502.1. Plan Requirements. The Applicant shall file the following documents:

- A. The Site Plan required by Section 501.1., B., 1., above;
- B. The Natural Conditions Map required by Section 501.1., B., 2., above;
- C. The Site Grading, Vegetation and Planting Plan required by Section 501.1., B., 2., above.

## ARTICLE VI

### PERFORMANCE STANDARDS

Section 601. Applicable Standards. The following performance standards shall apply:

A. Surface Drainage Facilities.

1. Regarding Two Year Frequency Storm. The drainage system shall be adequate 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 from adjacent areas:
    - i. Of the area outside of curb lines, or if none, beyond the street right-of-way lines;
    - ii. Of sidewalks;
    - iii. Of at least one lane of minor local streets;
    - iv. Of at least one lane in each direction of collector and arterial streets;
    - v. Of a controlled access freeway.
2. Regarding Storms of Lesser Frequency. The drainage system shall be adequate during storms of a frequency of occurrence up to 100 years:
  - a. To keep buildings in the area being drained free of runoff from adjacent areas.
  - 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 alterations in the characteristics of storm drainage from the site of the land development or subdivision resulting from the subdivision or land development of the site.
3. Generally. The surface water drainage facilities shall:

- a. Be adequate to limit the peak rate of runoff and the total amount of runoff from the subdivision or land development during storms having frequencies of occurrence up to 100 years to a rate and amount no greater than the rate and total amount of runoff from the site prior to the subdivision or land development.
    - b. 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.
    - c. Not concentrate runoff on to adjacent properties.
  4. Watershed Storm Water Plan. In the event that a storm water plan for the watershed in which the Borough is located shall be adopted pursuant to the Storm Water Management Act, the storm drainage facilities shall conform to and be consistent with such plan.

**B. Water Facilities.**

1. Water Pressure and Quality. The water service facilities shall be adequate to supply potable water meeting criteria established by the Pennsylvania Department of Environmental Resources and the United States Environmental Protection Agency, at a pressure of no less than 30 pounds per square inch, to each dwelling unit, commercial establishment and industrial establishment.
2. Fire Fighting. The water facilities shall include fire hydrants and provide fire fighting capacity as set forth in Standard Schedule for Grading Cities and Towns of the United States with reference to the Fire Design and Physical Conditions, National Board of Fire Underwriters 1956.

ARTICLE VII  
DESIGN STANDARDS

Section 701. General Standards.

- A. All portions of a tract being subdivided or developed shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.
- B. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are not generally desired.
- C. In general, lot lines shall follow Borough boundary lines rather than cross them.
- D. All applicable performance standards shall be met.
- E. Subdivisions and land developments shall be laid out so as to avoid cutting that will produce banks steeper than 2 to 1 and filling that will produce banks steeper than 3 to 1; and slopes steeper than that at which the material involved will slip or become unstable.
- F. 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 flood hazard until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plans. Such land within the subdivision or land development shall be set aside on the plan for uses which shall not be endangered by periodic or occasional inundation and shall not produce unsatisfactory living conditions.
- G. Where flooding is known to have occurred within the area shown on the plan, such area shall be clearly marked "subject to periodic flooding" and no building or streets shall be permitted in this area.

Section 702. Streets. Streets shall be designed in accord with the following standards:

A. General.

- 1. Proposed streets shall conform in all respects to the Comprehensive Plan.

2. Proposed streets shall further conform to such county and state street and highway plans as have been prepared, adopted and/or filed as prescribed by law.
3. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
4. Streets upon which residential lots front shall be so laid out as to discourage through traffic; however, the arrangements of streets shall provide for continuation of existing or platted streets and for proper access to adjoining undeveloped tracts suitable for future subdivision.
5. If lots resulting from original subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided.
6. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
7. Stub streets greater in length than one lot depth shall be provided with a temporary turn-around to the standards required for cul-de-sacs.
8. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Names of existing streets within the Borough and Postal Zone shall not be repeated. All street names shall be subject to the approval of the Borough Council.
9. If any portion of a street encroaches upon the legal right-of-way of a State highway, the Applicant is required to obtain a highway occupancy permit from the Pennsylvania Department of Transportation. If any improvements are required to be made to such a State highway, permission shall be secured from the Pennsylvania Department of Transportation and PennDOT specifications shall be followed.
10. Proposed streets shall be planned and laid out with regard to the existing street system, public convenience in terms of fire and police protection, other emergency services and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future development extensions of the street system.

B. Classification. Streets shall be classified according to their volume of traffic which the Council expects to use the street, when the Borough and the surrounding areas from which traffic using the streets may be generated is fully developed, as follows:

<u>Street Type</u>	<u>Volume of Traffic [in average number of daily trips]</u>
Arterial	as determined by PennDot
Collector	over 8,000
Minor	under 8,000, but more than 650
Local	0 to 650
Marginal Access	0 to 300
Alley	0 to 200

C. Use. Generally, all lots shall front on local streets. There shall be no access from lots which also abut other types of streets onto such other types of streets; Council may require a notation to such effect be set forth on the Site Plan.

D. Width.

1. Minimum Width. Width of rights-of-way and paved cartways and the width and number of stabilized shoulder shall be as follows:

<u>Street Type</u>	<u>Rights-of-way Width</u>	<u>Paved Cart-way Width</u>	<u>Curbs</u>
Arterial		as determined by PennDOT	as determined by PennDOT
Collector	60'	40'	both sides 5 1/2'
Minor	50'	30'	" " "
Local	50'	30'	" " "
Marginal Access	50'	30'	" " "
Alley	25'	20'	None
Cul-de-sac	100' diameter	20' interior radius -20'	around outside diameter



2. Power to Require Greater Width. Such greater rights-of-way and paved cartway widths may be required as in the judgment of the Borough Council is necessary or appropriate to lessen anticipated traffic congestion, or secure safety from fire, panic or other dangers, or to promote the general public welfare, including by way of example and not limitation in order to accommodate large vehicles serving the area or for bus stops.
3. Substandard Streets - Extensions. Such short extensions of existing streets with lesser rights-of-way and/or paved cartway widths than prescribed above may be permitted as in the judgment of the Borough Council is necessary to promote the general public interest; provided, however, that no section of new right-of-way may be less than 40 feet in width.
4. Substandard Streets - Within Subdivision. Where an existing street of lesser right-of-way or paved cartway width than prescribed above traverses or abuts a subdivision or land development, sufficient additional right-of-way width and/or paved cartway width to conform to the widths prescribed above shall be furnished by or at the cost of the Applicant.
5. Half-Width Streets. New half or partial width streets shall not be permitted
6. Existing Half-Width Border Streets. Whenever a subdivision or land development borders an existing half or partial street, the other part of the street shall be plotted on the subdivision plan.

E. Street Alignment.

1. Whenever street lines are deflected in excess of 5 degrees, connection shall be made by horizontal curves.
2. Except on local streets, a minimum tangent of 100 feet shall be required between curves.
3. Horizontal curves on all streets shall be provided with a radius of not less than 150 feet.
4. A long radius curve shall be provided in all cases rather than a series of curves and tangents.
5. The approaches to an intersection shall follow a straight course for at least 50 feet.

F. Grades.

1. Generally. Streets shall be logically related to the topography as to produce usable roads and reasonable grades.
2. Minimum.
  - a. Centerline grades shall not be less than 1/2 of 1% when curb or paved gutter is provided; and 1% when no curb or gutter is provided.
  - b. The slope of the crown may not be less than 1/8 inch per foot and not more than 1/3 inch per foot.
3. Maximum. The centerline grades shall not exceed:

<u>Type Street</u>	<u>Grade</u>
Local, Marginal Access and Alleys	10%
Arterial, Major Collector and Minor Collector	7%

4. Vertical Curves. Vertical curves shall be used when the algebraic difference of grade is 2% or more and shall be designed in relation to the extent of the grade change and to provide the following minimum site distances:

<u>Type Street</u>	<u>Minimum Site Distance</u>
Local, Marginal Access and Alleys	200'
Arterial, Major Collector and Minor Collector	300'

5. Leveling Area. Where the grade of any street at the approach to an intersection exceeds 4%, a leveling area shall be provided having not greater than 4% grades for a distance of 45' measured from the nearest right-of-way line of the intersecting street.

6. Maximum Grade at Intersection. The maximum grade within any intersection shall not exceed 1%.

- G. Slope of Banks Along Streets. The slope of banks along streets measured perpendicular to the street centerline shall be no steeper than the following:

1. 3 to 1 for fills;
2. 2 to 1 for cuts;

nor shall the slope exceed that at which the material involved will slip or become unstable.

#### H. Street Intersections.

1. Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 75 degrees.
2. Multiple intersections involving the junction or crossing of more than 2 streets are prohibited.
3. To the fullest extent possible, intersections with arterial or collector streets shall be located not less than 800 feet apart, measured from centerline to centerline. Minimum distance between minor street intersections on the same side of the street shall generally be not less than 150'.
4. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 150 feet between their centerlines.
5. Clear-sight triangles of 75 feet measured along street centerlines [150 feet for arterial streets] from their point of junction shall be provided at all intersections and no building, shrub, wall, fence or other sight obstruction over 2 1/2 feet in height shall be permitted within such triangles. When and if trees exist or are planted within such triangle, no branch shall be lower than 9 feet above the centerline elevation of the streets.
6. Minimum radii at street intersections shall be not less than:

<u>Intersection</u>	<u>Minimum Simple Curve Radii of Curb or Edge of Pavement</u>
Collector with Collector Street	PennDot jurisdiction
Collector with Minor Street	25'
Minor with Minor Street	15'

Or such greater radius as is suitable to the specific intersection. Property line corners shall be rounded with a radius when necessary to keep street improvements within the right-of-way.

I. Cul-de-sac Streets.

1. Residential. There shall be a paved turnaround at the closed end of a cul-de-sac in a residential zone having a paved cartway circle with a minimum radius of 40 feet and a minimum right-of-way radius of 50 feet.
2. Commercial and Industrial. The radius of the paved cartway and right-of-way for cul-de-sac streets in commercial or industrial zones shall be such as in the judgment of the Council, with the advice of the Borough Engineer, is adequate to handle the volume and character of traffic expected to make use thereof.
3. Stem of Cul-de-sac Streets. The stem of streets designed to be permanent cul-de-sac and/or dead-end streets shall not exceed 800 feet, except that the Council may authorize a stem length of no more than 1200 feet when, in its judgment, it is necessary to promote the general public welfare.
4. Temporary Dead-end Streets. Temporary dead-end streets may be used provided that the Applicant constructs a stabilized all-weather turnaround of the same radius as would be required for a permanent cul-de-sac or dead-end street, and make arrangements satisfactory with the Borough Council to remove the turnaround when the street is continued beyond the turnaround.
5. Other Turnarounds. Turning areas may be of "L" or "T" shape with dimensions appropriate for the volume and character of traffic expected, when approved by the Borough Council with the advice of the Borough Engineer.

J. Pavement. The material and construction of all streets shall conform to Pennsylvania Department of Transportation Standards, Form 408, as amended.

Base - - 8 inches of compacted #3 limestone.

Top - - 2 inches binder and 1 1/2 inch wearing surface ID-2, FE-1, or FE-2, using 1/4 inch limestone or FJ-1.

K. Street Access.

1. Where a subdivision or development abuts or contains an existing or proposed expressway, arterial or collector street, the Council may require marginal-access streets, reverse-frontage lots, the installation of traffic control signals, facilities or devices or such other treatment as will provide protection for abutting properties and the residents thereof and their visitors and reduce the number of intersections with the major street and separate local and through traffic.
2. Access to parking areas on commercial and industrial sites shall be controlled and shall be so located as to provide a minimum of 200 feet between points of access.
3. Private driveways, where provided, shall be located not less than 40 feet from an intersection and access to and from corner lots shall be via the street lower classification when a corner lot is bounded by streets of two different classifications as defined herein.
4. In general, no private driveway shall take access to other than a local street. Driveways shall be so located and designed as to provide a reasonable sight distance at street intersections.

Section 703. Blocks.

- A. The length, width and shape of blocks shall be determined with due regard to:
  1. Provision of adequate sites for buildings of the type proposed.
  2. Topography.
  3. Requirements for safe and convenient vehicular and pedestrian circulation.
- B. Blocks shall have a maximum length of 1600 feet and, so far as practicable, a minimum length of 300 feet.
- C. Residential blocks shall be of sufficient depth to accommodate at least two (2) tiers of lots, except where reverse frontage lots bordering a major traffic street are used.

Section 704. Lots.

- A. Dimensions. Lot dimensions and areas shall not be less than that specified by the Zoning Ordinance.

- B. Building Lines. The minimum building setback lines shall be as specified in the Zoning Ordinance. The minimum building setback lines shall apply to both streets upon which a corner lot shall front.
- C. Frontage. All single-family residential lots shall have a frontage of not less than 20 feet along a local street or a cul-de-sac.
- D. Double Frontage Lots. Double frontage lots are prohibited, except that lots abutting other than local streets may front on an interior street and back on such other types of streets. Such lots shall have no access onto such other type street. A notation to such effect shall be set forth on the Site Plan.
- E. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.
- F. Corner Lots. Corner lots shall have extra width to permit the applicable minimum building setback lines from both streets.
- G. Remnants. If remnants of land exist after subdividing, they shall be incorporated into existing or proposed lots, or, if acceptable to the Borough Council, dedicated to public use.
- H. Non-conforming Yards. The subdivision of a tract which creates non-conforming side and rear yards for existing buildings will not be approved. Non-conformity front yards may be approved if necessary to obtain proper street alignment.
- I. Computation of Lot Area. The following areas shall be excluded in computing lot area for the purpose of determining compliance with minimum lot area requirements:
  - 1. Areas lying within zoning districts wherein the use proposed to be conducted upon the lot is not classified as a "permitted" type of use, or, areas being used for another type use.
  - 2. Areas lying within the rights-of-way of streets and easements [excepting utility easements for local service].
  - 3. Flood plain areas.
  - 4. Lakes and ponds.
  - 5. Wetlands.

Section 705. Sanitary Sewage Facilities.

- A. Generally. The sewage collection and transportation facilities required to be provided shall be designed in accord with plans and specifications approved by East Prospect Borough Authority, and shall be located with the right-of-way of a public street, or other areas burdened by an easement for such purpose, or areas title to which is to be transferred to the Authority.
- B. Pump Stations. Sewage collection and transportation shall be by gravity flow mains; provided, however, that pumps and force mains may be provided if the Council shall conclude that the cost and/or other difficulty involved in providing gravity flow will prevent the reasonable use of the subject premises.

Section 706. Storm Drainage Facilities.

- A. Generally. The storm drainage facilities required to be provided shall be designed in accord with the specifications set forth in the pamphlet entitled "Storm Drainage Facilities Standard Specifications For East Prospect Borough", prepared by James R. Holley & Associates, Inc., Consulting Engineers, and shall be located with the right-of-way of a public street or other areas burdened by an easement for such purpose, or areas title to which is to be transferred to the Borough.
- B. Natural Water Courses. Except as provided in C., below, obstructions to the flow of water shall not be placed in natural water courses. Natural water courses shall remain open and in their natural condition, although the same may be rip-rapped where the Borough Council, with the advice of the Borough Engineer, determines that the retardation of the flow of water or the protection of the channel from erosion provided thereby is in the general public interest. The enclosure of the water course in a pipe or covering the channel bottom with an impervious surface shall be permitted only when the Borough Council, with the advice of the Borough Engineer, determines that this will not have any substantial acceleration on the velocity of the water or substantially detract from the absorptive capacity of the channel in its natural conditions. Such changes may require the approval of the Pennsylvania Department of Environmental Resources and/or the U.S Army Corps of Engineers.
- C. Retention Basins.
  - 1. Interception. Storm water shall be intercepted at intervals reasonably related to the extent and grade of the area drained and the capacity of the soils therein to absorb, through the use of dry ponds, retention basins, infiltration trenches, sumps, french drains and other such facilities.

2. Design. Retention basins shall be designed to utilize the natural contours of the land whenever possible. When such design is impractical, the construction of the basin shall utilize slopes as shallow as possible to blend the structures into the terrain.
- D. Upstream Drainage. Storm drainage facilities shall be designed to control the anticipated peak discharge from the property being subdivided or developed when all the property at a higher elevation in the same drainage basin is fully developed.
- E. Lot Drainage. Lots shall be laid out and graded to provide drainage away from buildings and to prevent the collection of storm water in pools [excepting retention ponds or basins], and to direct the water into sumps and other storm water drainage facilities or structures.
- E. Generally. All storm water drainage facilities shall be designed to carry the storm water to the nearest practical and adequate street, storm drain, retention basin, natural water course or other drainage facility whereby the performance standards set forth in Section 601., above, shall be met; except that storm water retention basins shall not discharge onto streets.
- G. Grading. No excavation or fill shall be made which, in the case of an excavation shall result in a cutface steeper than 2 horizontal for 1 vertical or a fill slope steeper than 3 horizontal to 1 vertical, within a distance of 20 feet from the boundary line of an adjoining property unless a retaining wall or other structure adequate for the purpose is provided. In no event may the slope of the cutface or fill exceed the normal angle of slippage [repose] of the material involved.

#### Section 707. Water Facilities.

- A. Generally. The water facilities required to be provided shall be designed in accord with the specifications set forth in the pamphlet entitled "Water Facilities Standard Specifications For New Freedom Borough", prepared by Buchart-Horn, Consulting Engineers, and shall be located within the right-of-way of a public street or other areas burdened by an easement for such purpose.

#### Section 708. Street Signs. Street signs shall:

- A. Generally be of a size of 4" x 18", but shall vary according to the number of letters.
- B. Be approximately 8' above the ground at the bottom of the sign.
- C. Have light colored letters, with a reflective or luminescent quality, against a dark background, to provide maximum night-time readability.



- D. Be mounted on a pole of steel or aluminum or some other long lived material, with an outside diameter of 4" if round or 4" square, and shall be set in a concrete footer with a pin through the pole extending into the footer to discourage turning.

Both the pole and the sign shall be of a material and construction that is long lived and low maintenance from the standpoint of rust, rot, corrosion , the elements and vandalism.

Section 709. Street Lights. Street lighting systems shall be designed in accord with the following:

- A. Electrical cables extending from the electric utility's transformer to the pole shall be underground.
- B. Lights shall be high density sodium post top lights or such alternative as in the Council's judgment is the equivalent.
- C. All lights shall be grounded.
- D. Lights shall not be less than 13 feet 6 inches above the ground at the bottom of the light.
- E. Pole and light fixtures shall be of a material and construction as from the standpoint of rust, rot, corrosion, the elements and vandalism is long lived and low maintenance, but may be designed to break readily on vehicular impact if, in Council's judgment, safety considerations so warrant.
- F. Shall be of a style as harmonious with the character of the subdivision or development, and of such number and location as is consistent with the night-time illumination appropriate for traffic and personal safety.
- G. Shall comply with the regulations of the electric utility.

Section 710. Monuments.

- A. Monuments. Monuments shall be made of concrete, stone or a 4 inch cast iron steel pipe filled with concrete. Monuments shall be 6 inches square or 4 inches in diameter, shall be 30 inches long and shall be scored or marked on the top.
- B. Iron Pins. Iron pins shall be 3/4 inches square or 3/4 inches in diameter and 15 inches long.

**Section 711. Sidewalks and Pedestrian Paths.**

- A. **Width.** The minimum width of all sidewalks and all pedestrian paths shall be 4 feet 6 inches.
- B. **Location.** Sidewalks and pedestrian paths shall be located within the right-of-way of a street, a public right-of-way or a common open space area.
- C. **Curb Cuts.** Curb cuts shall be provided at street crossings.
- D. **Lighting.** Sidewalks and pedestrian paths away from streets shall be adequately lighted to permit visibility of obstructions during darkness hours.
- E. **Grade Across Driveways.** The grades and paving of sidewalks and pedestrian paths shall be continuous across driveways.
- F. **Lateral Pitch.** Sidewalks and pedestrian paths shall be laterally pitched at a slope of not less than 1/8 inch per foot and shall slope toward the facilities which will carry away surface water drainage therefrom.
- G. **Slope.** Sidewalks and pedestrian paths shall not exceed 7% grade. Steps or a combination of steps and ramps shall be utilized to maintain the maximum grades where necessary. Where sidewalk grades exceed 5%, a non-slip surface texture shall be used.
- H. **Material.** Sidewalks and pedestrian paths shall be made of 4-inch thick Portland cement concrete poured on a base of 4-inch compacted #2A crushed stone. If the Council is of the opinion that, by reason of the infrequency of use, gravel, pine bark chips or other material will be adequate to meet the demands imposed thereon, such other material may be used.
- I. **Angle Parking.** Sidewalks adjacent to angle parking areas shall be set back a minimum of 5 feet to prevent car over-hang from restricting pedestrian movement along the sidewalk.

**Section 712. Curbs.** Curbs shall be of Portland cement concrete 22 inches deep by 6 feet side top-rolled and battered to a 7 inch width at a point 8 inches below the top cement concrete or a bituminous or extruded concrete curb of equal dimension above street pavement surface as determined by the Borough Engineer. Curb cut ramps meeting Federal ADA Requirements shall be installed at all intersection.

**Section 713. Traffic Signals.** Traffic signals shall be such as is prescribed by regulations promulgated by the Pennsylvania Department of Transportation.

#### Section 714. Easements.

- A. Minimum Widths. Easements for water, sanitary sewer, storm sewer, gas, electricity, telephone and any other utilities, whether the same be underground or overhead, having a minimum width of 20 feet shall be provided.
- B. Water Courses.
  - 1. Where a subdivision or land development is traversed by a channel, drainage-way or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage-way, channel or stream, and of such width as will be adequate to preserve natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such water course, drainage-way, channel or stream, or for the purpose of installing a storm sewer, but not less than 25 feet in width, or as may be required or be directed by the Department of Environmental Resources. The banks or slopes of such drainage-way, channel or stream shall be seeded and the same shall be fenced by the Applicant if, in the judgment of the Borough Council, the same is necessary to prevent erosion and/or to protect the public safety. Proper maintenance of such areas so that they do not become clogged with sediment, or vegetative matter, eroded, harbor rats, mice, mosquitoes, or noxious plant or animal life, or become a nuisance, shall be provided by the owner of the property(s) through which the drainage-way, channel, or stream passes, and a notice to this effect shall be prominently set forth on the Site Plan.
  - 2. A notice shall be prominently set forth on the Site Plan advising all parties who may acquire an interest in the lots effected by drainage through the channel, drainage-way or stream, that storm water drainage might overflow the boundaries of the drainage easement.
- C. Location. Easements referred to in A., above, shall, whenever possible, be centered on or adjacent to rear or side lot lines. Drainage-ways, channels or stream easements may be located as necessary to adequately meet the engineering and storm drainage measurement requirements for the facilities.
- D. Water Discharge. Where storm drainage water or surface water will be gathered within the subdivision or land development and discharged or drained in a concentrated form over lands within or beyond the boundaries of the subdivision or land development, the Applicant shall reserve or obtain easements over all lands affected thereby, which easements shall be of a width sufficient that storm drainage shall be expected to be confined within its limits, but as will provide for the acceptance of such water as may overflow the limits of the easement, and for the maintenance, repair and reconstruction of the same, including the right of passage over and upon the same by vehicles,

machinery and other equipment for such purposes, and which shall be of sufficient width for such passage and work in case maintenance is to be provided by other than the owner(s) of the property(s) through which the easement passes.

- E. Transmission Lines and/or Pipes. Where natural gas, petroleum, electric, telephone, cable or high tension lines, water or sewer mains are located within or adjacent to the subdivision or land development, the design layout of the subdivision or land development shall be such as to avoid conflicts between the uses proposed for the subdivision or land development with the aforesaid facilities.

**Section 715. Street Tree Planting.**

- A. Spacing. Trees shall be planted on 40 to 60 foot centers, depending on the size of the tree. Street trees shall not be planted directly opposite each other on opposite sides of the street, but shall alternate. A requirement that the lot owner(s) shall maintain the tree(s) shall be prominently set forth on the Site Plan.
- B. Off Rights-of-way. Trees shall be planted on lots, rather than within the street right-of-way, but near the right-of-way line. Where sidewalks are constructed, trees shall be planted between the sidewalk area and the building setback line and shall be at least 5 feet from the edge of the sidewalk.
- C. Size. Trees shall be of a size not less than 1 1/2 caliper when planted.
- D. Quality. Trees shall be of nursery stock. They shall be of symmetrical growth, free of insects, pests and disease and suitable for street use and durable under the maintenance contemplated.
- E. Types of Trees. Deep-rooted trees shall be preferred to shallow-rooted ones. In no event shall poplars, willows, aspens, silver maples or black locusts be used.

**Section 716. Cross Walks.** Cross walks shall be provided at intersections wherever there are sidewalks on at least one side of the street being traversed thereby. Cross walks shall have an easement width of not less than 20 feet and a paved walk of not less than 4 feet. Each shall be clearly marked by bollards, paving material, roadway painting, lighting or similar provisions to insure their visibility to motorists.

**Section 717. Sedimentation and Erosion Control Measures.** Sedimentation and erosion control measures shall comply with Pennsylvania DER regulations, whether or not a permit from Pennsylvania DER is required thereunder.

## ARTICLE VIII

## REQUIRED IMPROVEMENTS AND OTHER OBLIGATIONS

**Section 800. Applicant To Furnish.** The Applicant shall install, construct and provide, at his own expense, improvements and facilities meeting the Design Standards of Article VII and the Performance Standards of Article VI, as follows:

**A. Streets.**

1. **Internal Streets.** New streets and improvements to existing streets within and abutting the tract to be subdivided or developed.
2. **External Streets.** Such streets or improvements to existing streets near the tract to be subdivided or developed as are necessary to solve traffic problems expected to occur due to the subdivision or development, including such additional easements as may be necessary.

**B. Sanitary Sewage Facilities.** Facilities for the collection of sanitary sewage originating within the subdivision or land development and the transportation thereof to the nearest Borough sanitary sewage system facility having the capacity to receive and transport it to the Borough's treatment plant, together with the easements or parcels of land within or on which the same are proposed to be located.

**C. Storm Drainage Facilities.**

1. **Facilities.** Storm drainage facilities, including but not limited to, street gutters, swales, seepage pits, mains and inlets, culverts, bridges and retention basins and other appropriate facilities, as will meet the performance standards set forth in Section 601., A., above.
2. **Easements and Parcels.** Easements and parcels of land within or on which the facilities referred to at 1., above, are to be constructed.

**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 fire fighting, within the subdivision or land development, together with the easements or parcels of land within or upon which the same are to be located, as will meet the performance standards set forth in Section 601., B., above.

2. Easements and Parcels. Easements and parcels of land within or on which the facilities referred to at 1., above, are to be constructed.
  3. 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 the initiative to acquire the sources itself, a contribution in the amount of the cost of such additional sources.
- E. Fire Fighting Facilities. In the event that the public fire fighting facilities maintained within the Borough are inadequate to meet the additional demands imposed by the proposed subdivision or land development, facilities which will satisfy such inadequacies.
  - F. Street Signs. Two street-name signs at all intersections where two streets cross and one street-name sign at all intersections where one street ends or joins with another street.
  - G. Street Lights. Street lights at every intersection and at such other locations so that there will not be an interval of street frontage greater than 200' between street lights.
  - H. Monuments. Monuments at the intersections of all boundary lines along the perimeter of the tract and iron pins at all lot corners. This includes the replacement of monuments and/or iron pins removed during construction or otherwise not present at the time of the signing of the Final Plan, or, release of the improvement bond, as applicable.
  - I. Sidewalks and Pedestrian Paths. Sidewalks along both sides of all streets.
  - J. Curbs. Curbs along both sides of all streets.
  - K. Traffic Signals, Etc. Such traffic signals, devices or facilities within or abutting the development as in the Council's judgment is necessary to provide for the public safety as a result of the traffic expected to occur due to the subdivision or development.
  - L. Utilities. Electric, telephone, gas and other utility facilities, installed in accord with the prevailing standards and practices of the utility company providing such service.

- M. Permits and Approvals. Permits for the construction, maintenance and operation of all of the facilities and improvements shown on the plan from the agency having jurisdiction.
- N. Sedimentation and Erosion Control Measures. Such facilities and measures as comply with regulations or Pennsylvania DER whether or not a permit from Pennsylvania DER is required by such regulations.
- O. Trees. Trees along streets when approved as part of the subdivision plan.
- P. Other. Such other improvements and/or facilities as, in the Council's judgment, are necessary or appropriate to protect or promote the public health, morals, safety or general welfare.

Section 801. Ownership and Maintenance.

A. Generally By Borough Or Authority. Generally, the improvements and facilities are to be transferred to the Borough, or East Prospect Borough Authority, as applicable, for ownership, operation and maintenance.

B. Private Entity.

1. Permissible Circumstances. Notwithstanding A., the Borough Council may approve a proposal, or direct, that ownership, operation and maintenance shall be by a private entity, if it shall determine that such other form of ownership, operation and maintenance will better serve the general public interest, upon a consideration of such factors as may be relevant, including, but not limited to, the likelihood under the circumstances that such form of ownership will result in the successful resolution of the financial, operational, maintenance and replacement problems associated with the particular improvement or facility, and, the potential for liability for injury or property damage being imposed on the Borough, East Prospect Borough Authority, or their officers, agents or employees arising out of such ownership, operation and maintenance.

2. Qualifications of Private Entity.

a. The arrangements must assure:

- i. The continued availability of such facilities and improvements for use for their intended purpose;
- ii. Continuity of proper operation, maintenance and replacement;
- iii. The availability of funds required for such operation, maintenance and replacement;

- iv. Adequate insurance protection;
- v. Provisions for payment of applicable taxes;
- vi. Recovery for loss sustained by casualty, condemnation or otherwise.

b. The governing documents of the private entity must include provisions which the Borough Council determines, upon consideration of the advice of the Borough Solicitor and the Borough Engineer, meet the following criteria:

- i. The entity must be set up before any lots, homes or other divisional units are sold, leased or otherwise disposed of;
- ii. Membership or participation must be mandatory for the owner, legal or equitable, or lessee, as applicable, for each lot, home or other divisional unit;
- iii. It must have the responsibility for the operation and maintenance of the improvements and facilities including the maintenance of insurance protecting against loss from casualty and liability, payment of taxes, and recovery for loss from casualty, condemnation or otherwise, and the power to carry out such responsibilities;
- iv. It must have the power to levy assessments against the owners or lessees to defray the costs of ownership and maintenance, who shall be obligated to pay the same, and assessments shall be liens against the lot or other divisional units; and
- v. It must be able to adjust the assessments to meet changing conditions.

3. Applicant To Establish. Applicant shall incorporate, or otherwise establish, the private entity.

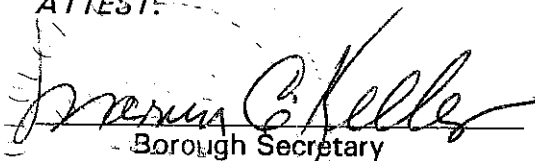
C. 'Bonding'. In the case of storm water facilities, or any other non-income producing facilities, the Borough Council shall require the Applicant to pay to the Borough such sum of money as it determines, upon consideration of the advice of the Borough Engineer, as may be necessary to defray the various costs associated with ownership, operation and maintenance, as a condition to the acceptance of such facilities as Borough facilities and improvements.



**Section 802. Reimbursement To Borough.** Applicant shall reimburse the Borough for the reasonable costs it incurs in connection with the processing of the Preliminary Plan and the Final Plan in excess of the amount that has been defrayed by fees paid at the time of the filing of such plans, including but not limited to reasonable attorney fees and engineering fees, within 20 days of request.

**DULY ENACTED** and **ORDAINED** this 22<sup>nd</sup> day of February, 1994, by the Council of East Prospect Borough, York County, Pennsylvania, in lawful session duly assembled.

ATTEST:

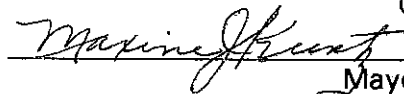
  
Borough Secretary

(SEAL)

BOROUGH OF EAST PROSPECT,  
YORK COUNTY, PENNSYLVANIA

By:   
President, Borough Council

**EXAMINED** and **APPROVED** this 22<sup>nd</sup> day of February, 1994.

  
Mayor

**BOROUGH OF EAST PROSPECT  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE**

99-8

**AN ORDINANCE AMENDING SECTIONS 104, 203, 401, 402, 614, 626 and 627 OF THE ZONING ORDINANCE OF THE BOROUGH OF EAST PROSPECT ESTABLISHING COMMUNITY DEVELOPMENT OBJECTIVES, DEFINITIONS, RESIDENTIAL ZONE USES AND LOT AREA AND WIDTH, VILLAGE ZONE USES AND LOT AREA AND WIDTH, LIVESTOCK OR SMALL ANIMAL REGULATIONS AND THE USES OF HOTELS/MOTELS AND CONTRACTOR'S OFFICE/HEAVY STORAGE FOR THE BOROUGH.**

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of East Prospect, York County, Pennsylvania, as follows:

SECTION 1. Sections \_\_\_\_ of the Zoning Ordinance of the Borough of East Prospect are hereby amended by the addition, deletion or modification of the following:

**SECTION 104 COMMUNITY DEVELOPMENT OBJECTIVES**

Community objectives for East Prospect Borough are grouped into four major areas of planning concern: land use, transportation, community facilities and utilities, and housing.

**A. Land Use**

1. Preserve and protect existing desirable residential areas.
2. Provide for flexibility and ingenuity in the layout and design of new residential developments in the Borough.
3. Prevent undesirable land use relationships by avoiding the mixing of incompatible uses.
4. Encourage the use of energy-saving materials and techniques in new buildings and land developments.
5. Keep up-to-date, and enforce zoning, planned residential development, and subdivision and land development ordinances to regulate future growth.

...

**SECTION 203 SPECIFIC WORDS AND PHRASES**

...

**DWELLING ...**

**TWO FAMILY DWELLING** - A building containing two (2) dwelling units, having two (2) side yards and having one (1) party wall in common between the two (2) dwelling units.

## SECTION 401 RESIDENTIAL ZONE (R)

...

B. Uses by Right: The following uses are permitted by right in the R Zone:

1. Single family detached dwelling
2. Two family dwelling
3. Crops, gardening
4. Group home

C. Uses by Special Exception: The following uses shall be permitted by special exception when authorized by the Zoning Hearing Board.

...

18. Hotels/Motels
19. Contractors's office/Heavy Storage

D. Lot Area and Width: Lot area and width not less than the following dimensions shall be provided for each principal use hereafter established in the R Zone.

Public Water & Sewer Area Width		Public Water or Sewer Area Width		Neither Public Water or Sewer Area Width	
<hr/>					
Single-family detached					
14,000 sq. ft./ unit	100 ft./ unit	17,000 sq. ft./ unit	120 ft./ unit	40,000 sq. ft./ unit	200 ft./ unit
Two-family dwelling					
12,000 sq. ft/ unit	80 ft./ unit	NOT PERMITTED		NOT PERMITTED	

## SECTION 402 VILLAGE ZONE (V)

...

C. Uses by Special Exception: The following uses shall be permitted as Special Exceptions when authorized by the Zoning Hearing Board.

...

19. Hotel/Motel
20. Contractor's office/Heavy Storage

D. Lot Area and Width: Lot area and lot width not less than the following shall be

provided for each principal use hereafter established in the Village Zone:

Public Water & Sewer Area    Width		Public Water or Sewer Area    Width		Neither Public Water or Sewer Area    Width	
Single-family detached dwelling:					
8,000 sq. ft./ unit	60 ft./ unit	15,000 sq. ft./ unit	80 ft./ unit	30,000 sq. ft./ unit	100 ft./ unit
Single family attached dwelling:					
4,000 sq. ft./ unit	25 ft./ unit	NOT PERMITTED		NOT PERMITTED	
Two-family dwellings:					
8,000 sq. ft./ unit	50 ft./ unit	NOT PERMITTED		NOT PERMITTED	
Multi-family dwelling:					
See Section 618		NOT PERMITTED		NOT PERMITTED	
All Other:					
10,000 sq. ft./ unit	80 ft./ unit	20,000 sq. ft./ unit	100 ft./ unit	37,000 sq. ft./ unit	150 ft./ unit

#### SECTION 614. KEEPING OF LIVESTOCK OR SMALL ANIMALS

...

2. ....

GROUP TWO - If the average adult weight is greater than ten (10) pounds but less than sixty-five (65) pounds, they shall be permitted at a density of one (1) per acre, with a maximum of 20 per lot.

## SECTION 626. HOTELS/MOTELS

1. Minimum lot area shall be 1 acre or 2500 square feet per unit, whichever is more.
2. Minimum lot width shall be 150 feet.
3. Each rental unit shall be at least 250 square feet total area and shall contained no provisions for cooking in any unit.
4. Public water and sewer must be utilized.
5. Access shall be provided directly from a Collector or Arterial Street.
6. A Landscaped Buffer shall be provided from adjacent residential uses.
7. All hotels/motels shall comply with all applicable building, health, fire and safety codes.

## SECTION 627. CONTRACTOR'S OFFICE/HEAVY STORAGE

1. The applicant must provide inside storage for all construction equipment (not including licensed and inspected trucks and trailers not exceeding four (4) in number) and building materials and must store all construction equipment and building materials inside excepting that not more than four (4) licensed and inspected trucks and/or trailers and not more than twenty-five (25) tons of stone and twenty-five (25) tons of solid may be stored outside.
2. That there be no noise audible to neighboring residents between 6:00 p.m. and 7:00 a.m. except on an emergency basis.
3. Minimum lot area shall be 20,000 square feet.
4. Minimum lot width shall be 100 feet.
5. All storage of materials and/or equipment shall be in the side or rear yards.
6. No materials and/or equipment shall be stored within 25 feet of any property line.
7. Landscape Buffers and screens shall be provided as necessary to protect neighboring properties.

Section 2. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed.

ENACTED AND ORDAINED this 5th day of January, 1999.

ATTEST:

BOROUGH COUNCIL OF EAST PROSPECT

Martin C. Keller  
Secretary

BY Donald E. Bashyn  
President/Vice President

(Seal)

Approved this 5th day of January, 1999.

Maryanne Kuntz

Mayor