

**FAWN TOWNSHIP**

**SUBDIVISION**

**AND LAND**

**DEVELOPMENT**

**ORDINANCE**

**York County, Pennsylvania**

**ORDINANCE NO. 3-2002**

**ADOPTED SEPTEMBER 9, 2002**

**With amendments through February 12, 2007**



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## **ORDINANCE NO. 3-2002**

# **AN ORDINANCE OF FAWN TOWNSHIP, YORK COUNTY, PENNSYLVANIA REENACTING AND AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, AS AUTHORIZED BY ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE**

## **ARTICLE I**

### **GENERAL PROVISIONS**

#### **101 TITLE**

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

#### **102 AUTHORITY**

- A. The Board of Supervisors of Fawn Township is vested by law with the control of subdivision of land and land development within the Township by Article V of the Pennsylvania Municipalities Planning Code, Act of 1968 P.L. 850, No. 247, as reenacted and amended (MPC).
- B. As authorized by Section 201 of the MPC, 53 P.S. §10201, the Board of Supervisors has created and ratifies the creation of the Fawn Township Planning Commission (Township Planning Commission) and designates that Township Planning Commission as the agency which shall review and make recommendations on all subdivision and land development plans as required herein, prior to action on the same by the Board of Supervisors.

#### **103 PURPOSE**

- A. This Ordinance is enacted for the purpose of assuring sites suitable for building purposes and human use and habitation, and to provide for the harmonious development of Fawn Township, as follows:
  - 1. to ensure the coordination of existing streets with proposed streets;

2. to provide for adequate open space for traffic, recreation, light and air, and for the proper distribution of population, thereby creating conditions favorable to the health, safety, and general welfare of the citizens of the Township;
  3. to assist in the orderly and efficient integration of land developments within the Township;
  4. to ensure conformance of land development plans with public improvement plans;
  5. to ensure coordination of intermunicipal and intramunicipal public improvement plans and programs;
  6. to secure the protection of water resources and drainage ways;
  7. to facilitate the efficient movement of traffic;
  8. to secure the equitable handling of all subdivision and land development plans by providing uniform standards and procedures;
  9. to guide the future growth and development of the Township in accordance with the Township's present or future comprehensive plans;
  10. to secure adequate sites for recreation, conservation, scenic and other open space purposes.
  11. to preserve prime agricultural land and scenic, historic, and natural resources.
- B. The approval of any subdivision or land development plan shall be based on the following considerations:
1. recognition of a desirable relationship of the development proposed to the general landform, topographic and geologic character, to natural drainage and surface water run-off, and to the ground water table.
  2. recognition of a desired standard of subdivision design, including adequate provision for pedestrian and vehicular traffic, and for suitable building sites for the contemplated use.
  3. preservation of such natural assets as ponds, streams, shrubs, trees, watershed areas, and historic areas.
  4. provisions for adequate and safe water supply, sewage disposal, storm drainage and other utilities.

#### **104 INTERPRETATION; CONFLICT WITH PRIVATE PROVISIONS**

- A. The provisions of this Ordinance shall be held to be minimum requirements to meet the above-stated purposes. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, rule or regulation, the provisions of this Ordinance shall prevail. Where the provisions of any statute, other ordinance, rule or



regulation imposed greater restrictions than those of this Ordinance, the provisions of such statute, ordinance, rule or regulation shall prevail.

- B. This Ordinance is not intended to abrogate any easement, covenant, or other private agreement or restriction, except that where provisions of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern. Any private easement, covenant, or other private agreement or restriction which is more restrictive than this Ordinance shall govern, provided that such easement, covenant, or other private agreement or restriction is not inconsistent with this Ordinance, or does not violate public policy, or any statute, other ordinance, rule or regulation.

## **105 CONSTRUCTION MANUAL**

A Construction and Material Specifications Manual for Subdivision and Land Development for Fawn Township shall be adopted in accordance with and to supplement this Ordinance, which will be referred to as the Construction Manual. Such Construction Manual shall be adopted by Resolution of the Board of Supervisors, and may be amended from time to time by the Board of Supervisors by Resolution.

## **106 SEVERABILITY**

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The remainder of the Ordinance shall remain in full force and effect as though the section held to be unconstitutional, illegal or invalid have not been included in this Ordinance.

## **107 ZONING COMPATIBILITY**

It is intended that this Ordinance shall be reviewed and applied in conjunction and compatibly with the Fawn Township Zoning Ordinance, and nothing contained in this Ordinance shall be read or construed to relieve an owner or developer from complying with the applicable provisions of the Fawn Township Zoning Ordinance.

## **108 SAVING CLAUSE**

This Ordinance shall apply to any and all subdivisions or land developments submitted on or after the effective date of this Ordinance, or of any subdivision or land development plans approved by the Board of Supervisors more than five years prior to the effective date of this Ordinance, unless such five-year period has previously been, or is, extended by the Township Board of Supervisors, pursuant to Section 305. All other subdivision or land development plans shall be governed by ordinances in existence at the time of their adoption, pursuant to and for the time periods required by Section 508(4) of the MPC, and Section 305 of this Ordinance.

## **109 LIMITATION OF LIABILITY**

The grant of a permit or approval of a subdivision or land development plan pursuant to this Ordinance shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official, agent or employee of the Township as to the advisability or practicability of the proposed use, nor shall any such approval represent any warranty as to the accuracy of the information provided by a developer. Approval of a plan shall create no liability upon the Township, its officials, agents, or employees.

## **110 AUTHORITY AND JURISDICTION**

- A. No subdivision or land development of any lot, tract, or parcel of land shall be made, street, sanitary sewer, stormwater, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.
- B. All subdivision and land development plans shall be acted upon by the following agencies in every instance:
  - 1. The Board of Supervisors shall be vested with the authority to approve, with or without conditions, or disapprove, all subdivision and land development plans.
  - 2. The Township Planning Commission and Township Engineer shall be vested with the review of all subdivision and land development plans, and shall make recommendations to the Board of Supervisors on each plan.
  - 3. Plans for subdivision and land development within the Township shall be submitted to the York County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township. However, if a report is not received from the York County Planning Commission within thirty (30) days after submission, the Township may, at its discretion, proceed without the report.
  - 4. Any other reviews required for a land development or subdivision plan, as the case may be and as applicable, including, but not limited to, where applicable, the Pennsylvania Department of Environmental Protection (DEP), the York County Conservation District, Pennsylvania Department of Transportation (PennDOT), or any other agencies as may be required by or for specific plans.

## **111 VIOLATION**

It shall be a violation of this Ordinance for any person, partnership, corporation, or other entity to subdivide any land in the Township or to create any land development in the Township without first having a final plan approved in accordance with the provisions of this Ordinance. It shall also be a violation of this Ordinance for any person, partnership, corporation or other entity, to lay out, construct, open or dedicate for public use or travel or for the common use of occupants of buildings abutting thereon any street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith except in accordance with this Ordinance.



## ARTICLE II

### RULES OF INTERPRETATION; DEFINITIONS

#### 201 GENERAL INTERPRETATION

For purposes of this Ordinance, the terms and words listed in this Article shall have the meaning herein defined. Words not defined in this Article shall have the meanings given in normal usage.

#### 202 RULES OF INTERPRETATION

- A. For the purpose of this Ordinance, the following rules of interpretation shall apply:
1. the Table of Contents, Article titles, and Section titles shall not be considered substantive, and are intended for guidance and assistance in use of the Ordinance only.
  2. words in the present tense include the future tense.
  3. words in the singular case include the plural and words in the plural case include the singular.
  4. the words "shall" and "will" are mandatory; the words "may" and "can" are permissive.
  5. the words "person", "owner", and "developer" include a partnership, corporation, or other entity, as well as an individual.
  6. the word "used" shall be construed to include the words "or intended, or arranged or designed to be used".
  7. the phrase "such as" shall be construed as introducing a typical, or illustrative, designation of items, and shall not be interpreted as constituting a complete list.
  8. the words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
  9. the word "lot" includes the words "plot", "plat", "tract" and "parcel".

#### 203 SPECIFIC TERMS DEFINED

**AGENT** – Any person, other than the developer, who, acting for the developer, submits to the Township Planning Commission and Board of Supervisors subdivision or land development plans for the purpose of obtaining approval thereof, or who represents the developer before either such body.

**AGRICULTURAL PURPOSES** – The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, vitaculture, and animal and poultry husbandry, and the accessory uses for

packing, treating or storing the produce or equipment, and for housing and feeding the animals and housing the equipment. The use of land as a place for location of a dwelling is not a use for agricultural purposes. This definition is intended, and shall, be in addition, supplementary, and complimentary to, the definition of "Agricultural Activities" in the Fawn Township Zoning Ordinance.

**APPLICANT** – A landowner or developer, as hereafter defined, who has filed an application for development of land, including his heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT** – Any application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for building or zoning permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

**AUTHORITY** – A body created pursuant to the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, as amended.

**BLOCK** – An area bounded by streets or proposed streets.

**BOARD or BOARD OF SUPERVISORS** – The Board of Supervisors of Fawn Township, York County, Pennsylvania.

**BUILDING** – Any structure, either temporary or permanent, having walls and a roof or other covering, supported by columns or walls, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including vehicles situated on property and used for the purposes set forth in this definition.

**CARTWAY** – The portion of a street or alley right-of-way which is improved, designated, or intended for vehicular traffic.

**CERTIFICATION** – A signed statement appended to or a part of a plan or other document whereby the signer represents that to the best of his or her knowledge, information and belief, the plan or document is true and correct and that the Township may rely upon the accuracy thereof.

**CLEAR SIGHT TRIANGLE** – An area of unobstructed vision at street intersections defined by centerlines of the streets and by a line of sight between points at a given distance from the intersection of the street centerlines.

**CODES ENFORCEMENT OFFICER** – The administrative officer responsible for enforcing the Ordinances and Codes of Fawn Township, duly appointed by the Board of Supervisors.

**COMPREHENSIVE PLAN** – The plan, or parts thereof, setting forth, and showing future recommendations for, such systems as land uses, parks and recreational facilities, water supply, sewage disposal, transportation and other public improvements, which affect the development of the Township, projected into the future.

**CONSTRUCTION MANUAL** – A manual, officially known as the Construction and Material Specifications Manual for Subdivision and Land Development for Fawn Township, created and updated from time to time by the Board of Supervisors by Resolution which contains construction and material specifications for certain improvements required pursuant to this Ordinance or the Fawn Township Zoning Ordinance.

**CORNER LOT** – A lot abutting upon two (2) streets at their intersection.

**COUNTY PLANNING COMMISSION** – The York County Planning Commission and its professional staff.

**CROSSWALK** – A publicly or privately owned right-of-way which cuts across a block or intersection to furnish access for pedestrians to adjacent streets or properties.

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

**CURB LINE** – The outside edge of the cartway.

**DECISION** – The final adjudication or determination of any board or other body granted jurisdiction under any land use ordinance or the MPC to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations.

**DEDICATION** – The deliberate appropriation of land by its owner for any general and public, or limited public, use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been dedicated.

**DEP** – The Pennsylvania Department of Environmental Protection.

**DETERMINATION** – The final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the Board of Supervisors or the Zoning Hearing Board, whose determinations shall be considered decisions. Determinations shall be appealable only to the bodies designated as having jurisdiction for such an appeal.

**DEVELOPER** – A landowner, agent of such landowner, or tenant with the permission of such landowner, who proposes, makes or causes to be made a subdivision of land or a land development.

**DOUBLE FRONTAGE LOT** – A lot fronting on two (2) streets other than a corner lot.

**DRAINAGE FACILITY** – Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off of streets, public rights-of-way, parks, recreation areas, or any part of any land development or contiguous land areas.

**DRIVEWAY** – A minor vehicular surface other than a street or private street providing access from a street to a lot.

**DWELLING** – Any building or structure designed for living quarters for one or more families or housekeeping units, including mobile homes which are supported by a permanent foundation, but not including tents, cabins, travel trailers, boarding homes, rooming homes, convalescent homes, motels, hotels or other accommodations used for transient occupancy. See Section 103.2 of the Fawn Township Zoning Ordinance for definitions of specific dwelling uses.

- A. **DETACHED** – A dwelling containing only one (1) dwelling unit, and having two (2) side yards.
- B. **SEMI-DETACHED** – A dwelling, one side wall of which is a party or lot-line wall.

- C. **ROW** – A dwelling, the walls on two (2) sides of which are party or lot-line walls.
- D. **END-ROW** – Same as semi-detached.
- E. **DUPLEX** – A dwelling containing two dwelling units, which need not be side by side, but can be one above the other.
- F. **MULTI-FAMILY** – See Zoning Ordinance.

**DWELLING UNIT** – A structure or entirely self-contained portion thereof designed to be occupied for living quarters as a single housekeeping unit, including any domestic workers employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit. A travel trailer, boarding or rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home, or other similar structure shall not be deemed to constitute a dwelling unit.

**EARTH MOVING ACTIVITY** – Any construction or other activity which disturbs the surface of the land including, but not limited to, excavation, embankments, land development, subdivision development, mineral extraction and the moving, depositing, or storing of soil, rock, or earth.

**EASEMENT** – The authorization by a property owner or authorized agency of a right-of-way granted, but not dedicated, for limited use of private land for a public, quasi-public, or private purpose, and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

**ENGINEER or PROFESSIONAL ENGINEER** – A person duly licensed as a professional engineer by the Commonwealth of Pennsylvania.

**ENGINEER, TOWNSHIP** – The professional Engineer licensed as such by the Commonwealth of Pennsylvania designated by the Board of Supervisors to review a subdivision or land development plan and to perform the duties of engineer on behalf of the Township.

**EXCAVATION** – Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, carried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting from such activity.

**FLOOD PLAIN or FLOODWAY AREA** – That area along a natural watercourse which is periodically overflowed by water therefrom, as defined by the U.S. Geologic Survey, and alluvial soils as established by the Soil Conservation Service.

**FRONTAGE** – The horizontal or curvilinear distance along the street line upon which a lot abuts.

**FUTURE RIGHT-OF-WAY** – Either: the right-of-way width required for the expansion of existing street to accommodate anticipated future traffic needs; or a right-of-way established to provide future access to or through undeveloped land.

**GRADE** – The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet or by percentage.

**GUTTER** – That portion of a right-of-way carrying surface drainage.



**IMPROVEMENT** – Physical additions and changes to the land, including but not limited to pavements, curbs, gutters, sidewalks, water mains or lines, sanitary sewer, storm sewers, grading, street signs and plantings, that may be necessary to produce usable and desirable lots.

**LAND DEVELOPMENT** – Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1. a group of two (2) 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, (including the expansion of existing buildings); or
  - 2. the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Excluded from this definition of land development are the following:
  - 1. the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three dwelling units, unless such units are intended to be a condominium;
  - 2. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
  - 3. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by property authorities.

**LANDOWNER** – The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if authorized under the lease to exercise the rights of the landowner, or any other person having a proprietary interest in land.

**LOCATION MAP** – A map showing the site with relation to adjoining areas.

**LOT** – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. In all subdivisions, the lot commonly referred to as the “residual lot” or “residual tract” shall be considered and treated as a separate lot subject to all of the lot requirements of this Ordinance.

**LOT AREA, GROSS** – The area contained within the property lines of a lot as shown on a subdivision or a land development plan, including space within all street and railroad rights-of-way, and including the area of any easement.

**LOT AREA, NET** – The area contained within the property lines of a lot as shown on a subdivision or land development plan, excluding space within all street and railroad rights-of-way, but including the area of any other easement.

**LOT WIDTH** – The required contiguous distance between the side property lines measured along a single street right-of-way line.

**MANUFACTURED HOME** –See “Mobilehome”. For floodplain management purposes, the term “manufactured home” includes mobilehomes, park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

**MANUFACTURED HOME PARK or SUBDIVISION** –See “Mobilehome Park” .

**MEDIATION** – A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MOBILEHOME** – A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. This definition shall include manufactured homes which otherwise fit the elements of this definition.

**MOBILEHOME LOT** – A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobilehome.

**MOBILEHOME PARK** – A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobilehomes.

**MPC** – The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, as reenacted and amended by Act of December 21, 1988, P.L. 1329, as further amended.

**ON-LOT UTILITY –**

- A. **SEWAGE DISPOSAL SYSTEM** – Any septic system or structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.
- B. **WATER SUPPLY** – A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

**OWNER** – The owner of record of a parcel of land.

**OPEN SPACE** – That portion of the land open to the sky and usually reserved in a natural state or for agricultural or outdoor recreation use.

**PARCEL** – A tract or tracts of land under the same ownership and contained and described in one deed or other conveyance. A parcel shall not include those tracts, whether contiguous or otherwise, separately described and contained in one (1) deed or other conveyance which originate from separate titles.

**PERCOLATION TEST** – A procedure to determine the absorption rate of the soil in an area proposed as the installation site for an on-lot septic system. Such a test shall be carried out according to the requirements of the Pennsylvania Department of Environmental Protection, and shall be conducted by the Township Sewage Enforcement Officer.

**PERFORMANCE BOND** – An agreement bond between a contractor and a bonding company in favor of the developer and the Township guaranteeing the completion of public improvements.

**PERMANENT FOUNDATION** – Walls of masonry or concrete construction, placed upon footers set at a depth fixed by the Township, below the surface of the ground and oriented to the perimeter of the dwelling or structure to be placed thereon so as to provide a weather-tight joint on all sides of the building. As used for mobile homes, this term shall mean at a minimum piers mounted on footers as approved by the Township, and fully skirted.

**PLAN** – The map or plan of a subdivision or land development, whether sketch, preliminary, or final.

- A. **PLAN, SKETCH** – An informal plan, not necessarily to exact scale, indicating existing features of a tract, its surroundings, and the general layout of a proposed subdivision or land development.
- B. **PLAN, PRELIMINARY** – An initial subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layouts of a subdivision or land development as a basis for consideration prior to preparation of the final plan.
- C. **PLAN, FINAL** – A complete and exact subdivision or land development plan prepared for official recording as required by this Ordinance and statute.

**PLANNED RESIDENTIAL DEVELOPMENT** – An area of land, controlled by a landowner, to be developed a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the Fawn Township Zoning Ordinance.

**PLANNING COMMISSION or TOWNSHIP PLANNING COMMISSION** – Fawn Township Planning Commission.

**PLAT** – The map or plan of a subdivision or land development, whether preliminary or final.

**PROFESSIONAL CONSULTANTS** – Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

**PUBLIC GROUNDS** – Includes (1) parks, playgrounds, trails, paths, and other recreational areas and other public areas; (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and (3) publicly owned or operated scenic or historic sites.

**PUBLIC HEARING** – A formal meeting held pursuant to public notice by the Board of Supervisors, Zoning Hearing Board, or Township Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

**PUBLIC MEETING** – A forum held pursuant to notice as required by the Sunshine Act, Act of July 3, 1986, P.L. 388, as amended, or any other statute relating to open meetings.

**PUBLIC NOTICE** – A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication shall be not less than seven (7) days from the date of the hearing.

**PUBLIC SEWER** – A municipal or community sanitary sewer system approved and permitted by the Pennsylvania Department of Environmental Protection.

**PUBLIC WATER** – A municipal water supply system or a comparable common water supply system approved and permitted by the Pennsylvania Department of Environmental Protection.

**REGISTERED PROFESSIONAL** – A professional licensed in the Commonwealth of Pennsylvania in accordance with the Engineer, Land Surveyor and Geologist Registration Law, Act of May 23, 1945, P.L. 913, No. 367, or the Landscape Architects' Registration Law, Act of January 24, 1966, 1965, P.L. 1527, No. 535, when it is appropriate to prepare the plan using professional services as set forth in the definition of the "practice of landscape architecture" under Section 2 of that Act.

**RESUBDIVISION** – Any replatting or resubdivision of land limited to changes in property lot lines and/or public rights-of-way not in strict accordance with an approved final plan or a recorded plan.

**REVERSE FRONTAGE LOT** – A lot extending between and having frontage on a major street and a minor street, with vehicular access solely from the latter.

**RIGHT-OF-WAY** – The entire portion of a public or private street, road, highway, public or private use, which is dedicated or reserved for the particular use. As to a right-of-way for a public alley, street, road, or highway, the right-of-way shall be the entire width of any land reserved or dedicated to the Township or the Commonwealth either by subdivision or land development plan or by statute, whichever is greater.

**SECRETARY** – The Secretary of Fawn Township.

**SETBACK** – The required distance between a setback line and a property line.

- A. **SETBACK, FRONT** – The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.
- B. **SETBACK, SIDE** – The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line, unless the lot line is within or beyond a street right-of-

way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.

- C. **SETBACK, REAR** – The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line, unless the lot line is within or beyond a street right-of-way, in which case the setback line shall be measured from the edge of the street right-of-way closest to the proposed structure.

**SETBACK LINE** – A line within a property and parallel or nearly parallel to a property or street line, which delineates the required minimum distance that must be provided between a structure or building and an adjacent street line and/or property line.

**SIGHT DISTANCE** – The length of street, measured along the centerline, which is continuously visible from any point three (3) feet above the centerline, or such current definition as found in Title 67 of the PA Code, Ch. 441, if different. See Appendix 2.

**STREET** – Any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private, excluding driveways. The word “street” includes the entire right-of-way, and is not limited to the cartway area.

- A. **ARTERIAL STREET** – A street or road which is used primarily for fast or heavy traffic, including all roads designated as federal-aid highways by the Pennsylvania Department of Transportation.
- B. **COLLECTOR STREET** – A street which carries traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development, and streets within such a development.
- C. **MINOR STREET** – A street which is primarily used for access to the abutting properties.
- D. **MARGINAL ACCESS STREET** – Minor streets, parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with the major traffic street.
- E. **HALF or PARTIAL STREET** – A street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.
- F. **PRIVATE STREET** – A strip of land, including the entire right-of-way, used or intended to be used by vehicular traffic and pedestrians, but not intended or dedicated for public use.
- G. **CUL-DE-SAC** – A street with access closed at one end and with a vehicular turn around at the closed end.
- H. **ALLEY** – A minor right-of-way privately or publicly owned, primarily for service access to the rear or side of properties.

**STREET LINE or STREET RIGHT-OF-WAY LINE** – The outer edges of a street right-of-way as laid out on a subdivision or land development plan, or dedicated to the Township or Commonwealth, or granted to the Township or Commonwealth by statute, whichever is greater. See definition of “Right-Of-Way”.

**STRUCTURE** – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBDIVISION** – The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIALLY COMPLETED** – Where, in the judgment of the Township Engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**SURVEYOR, REGISTERED** – A person duly registered as a professional surveyor by the Commonwealth of Pennsylvania.

**SWALE** – A low-lying stretch of land which gathers or carries surface water runoff.

**TOPSOIL** – Surface soils and subsurface soils which presumably are fertile soils, and soil material ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the “A” Horizon.

**TOWNSHIP** – Fawn Township, York County, Pennsylvania.

**TOWNSHIP MANAGER** – The Manager of Fawn Township.

**TRACT** – All contiguous land consisting of parts or all of one or more parcels owned by the same landowner, regardless of whether divided by public or private roads and/or the presence of lots or parcels adverse from the original tract since October 13, 1976 (the effective date of zoning).

**UNDEVELOPED LAND** – Any lot, tract or parcel of land which has not been graded or in any other manner improved or prepared for subdivision and land development, or for construction of any kind.

**WAIVE or WAIVER** – An exception or the granting of an exception to regulations in this Ordinance which in the opinion of the Board of Supervisors will not be detrimental to the general welfare, impair the intent of these regulations, or conflict with the Comprehensive Plan.

**ZONING OFFICER** – The zoning administrative officer or his or her authorized representative, including zoning inspectors, duly appointed by the Board of Supervisors.

**ZONING ORDINANCE** – The officially adopted Fawn Township Zoning Ordinance with any and all amendments thereto.

## ARTICLE III

### GENERAL PROCEDURE

#### 301 PREAPPLICATION PROCEDURES

- A. Copies of this Ordinance shall be available for use by any person seeking information concerning land development and subdivision standards and procedures in effect within the Township. Any prospective developer or subdivider may meet with the Township Planning Commission to discuss and review tentative plans pursuant to Article IV, and any provisions of this Ordinance.
- B. Prior to final plan submission, the developer or subdivider shall meet the following requirements:
  - 1. The plan shall comply with all planning requirements of the Pennsylvania Sewage Facilities Act as administered by the Pennsylvania Department of Environmental Protection (DEP) which shall include submission of the plan and appropriate information to the Township Sewage Enforcement Officer (SEO) and the York County office of DEP.
  - 2. When required by Section 813.A.1, submit the plan and any other required information to the York County Conservation District concerning erosion and sediment control, wetlands, and the effect of geologic conditions on the proposed subdivision or land development.
  - 3. Determine, in conjunction with the appropriate planning agencies, whether any flood hazards exist or will be created as a result of the subdivision or land development. Any such information shall be shown on the final plan and any development in such areas shall be controlled by the Township's Zoning Ordinance or any other appropriate Ordinances, statutes, rules or regulations.

#### 302 PREPARATION OF PLANS

The preliminary plan submission shall be prepared by a registered professional as defined in this Ordinance.

#### 303 SUBMITTAL OF PLANS

- A. The land developer or subdivider shall submit eight (8) copies of any proposed preliminary or final subdivision or land development plan to the Township Secretary, and shall pay all fees required or authorized by this Ordinance at the time of submission.
- B. No plan shall be deemed filed unless all requirements of this Ordinance for filing have been met, and all filing fees have been paid in full. Incomplete submissions shall not be distributed for review.

- C. Unless waived by the Township Planning Commission, no plan will be considered by the Township Planning Commission at its regularly scheduled monthly meeting unless that plan has been submitted at least seven (7) days prior to the scheduled meeting of the Township Planning Commission.
- D. The Township Secretary shall maintain a permanent log, either by computer or otherwise, which shall include the following information:
  - 1. the title of the plan.
  - 2. the name of the owner and/or developer of the plan.
  - 3. the name of the surveyor or engineer preparing the plan.
  - 4. the name, address, telephone number and relation to the owner and/or developer of the plan of the person filing the plan.
  - 5. the date of the filing of the plan.
- E. The Township Secretary shall distribute the required number of copies of the plan to the reviewing agencies as set forth in Articles V and VI.
- F. The Township Board of Supervisors, or their designee, shall be notified of the submittal of all subdivision and land development plans, and the date of their submittal, and the Township Secretary or other person so designated by the Board of Supervisors shall keep track of the date of submittal and the progress of the plan.
- G. At the time of submittal of a plan, whether preliminary or final, the developer or subdivider shall be given the option of signing a waiver of the time required for approval of subdivision or land development plans set forth in Section 304.C.

### **304 APPROVAL OF PLANS**

- A. No plan will be considered by the Township Board of Supervisors for approval unless all of the following have been received:
  - 1. a report from the Township Planning Commission.
  - 2. a report from the County Planning Commission, except that the Board of Supervisors shall have the option to, but shall not be required to, act on a plan without County Planning Commission comments having been received by the Board of Supervisors within thirty (30) days after submission of the plan to the County Planning Commission.
  - 3. a report of the Township Engineer.
  - 4. No sooner than thirty (30) days nor later than sixty (60) days after the applicant submits the subdivision or land development plan to the Township, the applicant shall file with the Pennsylvania Department of Transportation (PennDOT) an application for a highway occupancy permit, if any shall be required for the particular



subdivision or land development, and shall at the same time submit a complete copy of the highway occupancy permit application to the Township and the County Planning Commission.

5. No sooner than thirty (30) days nor later than sixty (60) days after the applicant submits the subdivision or land development plan to the Township, the applicant shall file with the Township an application for a driveway permit, if any shall be required for the particular subdivision or land development.

B. After receipt of all of the above required reports, the Board of Supervisors shall:

1. evaluate the applicant's submission and presentation, the reports of the Township Planning Commission, County Planning Commission, and Township Engineer.
2. determine whether the plan meets the objectives and requirements of this Ordinance, the Township's Zoning Ordinance, and any other Ordinances, rules, regulations, or specifications of the Township, as well as any County ordinances or state or federal statutes, rules or regulations.
3. either approve, conditionally approve, or disapprove the plan.

C. The Board of Supervisors shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Township Planning Commission next following the date the application is filed, or after a final order of a court remanding an application, provided that should the said next regular meeting of the Township Planning Commission occur more than thirty (30) days following the filing of the application, or the final order of a court, the said ninety-day (90) period shall be measured from the 30<sup>th</sup> day following the day the application has been filed.

1. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him or her at his or her last-known address not later than fifteen (15) days following the decision.
2. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met, and shall, in each case, cite the provisions of the statute or ordinance relied upon.
3. Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in the manner of presentation of communication shall have like effect.
4. The Board of Supervisors shall not approve any plan without receipt of the report of the County Planning Commission, so long as that report is received within thirty (30) days from the date the application was forwarded to the County Planning Commission.

D. The Board of Supervisors shall have the right to impose conditions on approval of a preliminary or final subdivision or land development plan. In the event that approval of a

subdivision or land development plan, whether preliminary or final, is subject to conditions, the applicant shall notify the Board of Supervisors in writing within thirty (30) days after the imposition of such conditions whether or not the applicant will accept such conditions. In the event that the applicant does not notify the Board of Supervisors of his or her acceptance or rejection of such condition within the said thirty (30) days, then the approval of the plan shall be rescinded automatically. In the event that the conditions are approved by the applicant, then those conditions shall be and become a material part of the plan, and a violation of, or failure to abide by, any of those conditions shall constitute a violation of this Ordinance.

- E. No subdivision or land development which will require access to a highway under the jurisdiction of PennDOT shall be finally approved:
  - 1. until such highway occupancy permit has been obtained by the applicant from PennDOT; and
  - 2. unless the plan contains a notice that a highway occupancy permit is required pursuant to Section 420 of the State Highway Law, Act of June 1, 1945, P.L. 1242, No. 428, before driveway access to a state highway is permitted.
- F. No subdivision or land development which will require access to a street or a road under the jurisdiction of the Township shall be finally approved until the applicant has obtained a driveway permit from the Township pursuant to the Fawn Township Zoning Ordinance or any other applicable ordinances.
- G. Before acting on any subdivision or land development application, the Board of Supervisors may, but shall not be required to, hold a public hearing on the application after public notice.

### **305 EFFECT OF CHANGES IN THE ORDINANCE**

- A. From the time an application for approval of a subdivision or land development plan, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of this Ordinance, the Township's Zoning Ordinance, or other governing ordinance or plan shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was filed.
  - 1. When a preliminary application has been approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent applications shall be subject to the intervening change in governing regulations.
- B. When an application for approval of a subdivision or land development plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in this Ordinance, the Township's Zoning Ordinance or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five-year period shall be extended for the duration of any litigation,

including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a subdivision or land development plan. In the event of an appeal filed by any party from the approval or disapproval of a plan, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded, and any period for filing appeals or requests for reconsideration has expired; PROVIDED, HOWEVER, that no extensions shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

- C. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was filed.
- D. Where the developer or subdivider has substantially completed the required improvements as depicted upon the final plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.
- E. In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be update annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted, and any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.
- F. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion; PROVIDED, HOWEVER, that so long as the developer or subdivider has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with the developer or subdivider's aforesaid schedule of submission of final plans for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plan within five (5) years shall apply, and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period, the aforesaid protection shall apply for an additional term of three (3) years from the date of final plan approval for each section.
- G. Failure of the developer or subdivider to adhere to the aforesaid schedule of submission of final plans for the various sections shall subject any such section to any and all changes in this Ordinance, the Township Zoning Ordinance, and any other governing ordinances enacted by the Township subsequent to the date of the initial preliminary plan submission.

- H. Preliminary plan approval does not authorize the recording, sale, transfer, or development of lots. No permits shall be issued to the developer or subdivider based solely on the approval of a preliminary plan, excepting those improvements authorized in Section 1001.

### **306 MINOR SUBDIVISION OR LAND DEVELOPMENT PLANS**

- A. Any subdivision or land development which contains no more than nine (9) lots or prospective occupants, may be reviewed and acted upon as a final plan without the necessity of a prior preliminary plan approval. Such determination shall be made by the Board of Supervisors after receipt of a written request for waiver of the requirement for a preliminary plan, and upon recommendation of the Township Planning Commission based upon the following considerations:
1. The proposed subdivision or land development does not involve site and related improvements to the extent that a detailed review by the Township necessitates initial processing as a preliminary plan.
  2. The tract of land has frontage on a public street of sufficient width.
  3. The proposed subdivision or land development complies with the applicable provisions of this Ordinance.
- B. After a total of nine (9) lots have been subdivided or developed pursuant to this Section from any given tract, including any residual lots, the applicant shall be required to submit a complete preliminary plan for the entire tract on all future applications.
- C. All requirements for a final plan pursuant to this Ordinance and all requirements of the Township's Zoning Ordinance and other governing ordinances shall be met in order for this section to apply.

### **307 ADDITIONS TO EXISTING LOTS; REVERSE SUBDIVISIONS**

- A. Additions to Existing Lots: A newly created lot (referred to as the add-on lot) may be added to an existing recorded lot for the sole purpose of increasing the lot size, or two (2) or more lots may be joined together into one larger lot, provided that:
1. The add-on lot must be contiguous to the existing lot.
  2. The plan prepared for the add-on lot shall follow the procedures of this Ordinance for final plans, except that no preliminary plan shall be required.
  3. The developer or subdivider shall specify on the plan that the add-on lot is being created for the sole purpose of enlarging an existing lot and that it shall be merged into the existing lot of record. The combined tracts shall then be treated as one lot for all purposes under this and all other ordinances of the Township, existing or future.

4. The developer or subdivider shall be required to prepare, execute, and record a deed of merger merging or combining all of the lots so approved by the plan, including the existing lot to which all add-on lots are to be added, and the plan shall so note.
  5. In the Rural Agricultural (RA) and Conservation (Cv) Zones of the Township, as defined and identified in the Fawn Township Zoning Ordinance and the Zoning Map, the subdivider shall not be required to forfeit or use a dwelling unit right for the add-on lot so long as all of the following conditions are met:
    - a. No previous add-on lots have been subdivided off of the parent tract since February 17, 2007 (the effective date of this Section). This exemption is available only one (1) time for each parcel in existence as of February 17, 2007.
    - b. The area of the add-on lot does not exceed the maximum lot area permitted in §203.4.b (in the RA Zone) or §204.4.b (in the Cv Zone) of the Fawn Township Zoning Ordinance, based on the zone in which the add-on lot is located.
  6. If an add-on lot is to be added to a tract which before the addition is more than 10 acres, and which at the time of the subdivision is used for agricultural purposes, and so long as the add-on lot will also be used for agricultural purposes, then the subdivider shall not be required to forfeit or use a dwelling unit right for the add-on lot, and there shall be no limit to the size of the add-on lot. A condition of approval shall be that the add-on lot shall be added to and merged with the receiving tract within six (6) months after the recording of the subdivision plan, and the subdivider shall provide evidence of the merger and recording of the deed of merger to the Board of Supervisors within that time.
  7. In no event shall an add-on lot be permitted which will result in the residual tract after subdivision being less than the minimum lot size required in the zone in which the residual tract is located.
- B. Reverse Subdivision: A reverse subdivision shall occur when, and only when, two (2) or more contiguous existing lots of record, which share at least one (1) lot line, are to be merged into one (1) lot by means of eliminating the common lot lines separating them. To qualify as a reverse subdivision, no other changes to any of the existing lots shall occur. The sole purpose of a reverse subdivision shall be to merge contiguous existing lots of record into one (1) lot. The following procedure shall be followed:
1. The applicant must provide to the Township's Planning Commission and the Board of Supervisors satisfactory proof (i.e. deeds or a subdivision plan) that each of the lots to be merged is an existing lot of record, and that they are contiguous to each other.
  2. The applicant shall agree that the Township shall prepare an agreement, in recordable form, between the applicant and the Township memorializing the merger, which shall be recorded in the Office of the York County Recorder of Deeds upon execution by all parties.
  3. The applicant shall prepare and execute, in recordable form, a deed of merger merging or combining all of the lots so approved for merger, which shall be executed

and presented to the Township at or before the time of signing of the Agreement by the Township, and which shall be recorded at the same time as the Agreement.

4. The applicant shall pay all of the costs associated with the reverse subdivision, including, but not limited to, the Township's attorney's fees for review and preparation of all documents, filing costs and fees, and any other reviews by the Township's professional consultants (i.e. engineer, zoning or codes enforcement officer, or sewage enforcement officer) which the Township determines are necessary under the particular circumstances. Such costs shall be paid before the Township Board of Supervisors grants final approval to or signs the Agreement

### **308 RESUBDIVISION OR MODIFICATION OF SUBDIVISION**

Any replatting or resubdivision, including changes to a recorded plan, shall be considered as a new application, and shall comply with all requirements of this Ordinance, except and unless waived by the Board of Supervisors. Any changes in an existing approved plan, including but not limited to changes in lot lines, access, new rights-of-way, shall require further approval of the Board of Supervisors.

### **309 FEES AND COSTS**

- A. The Board of Supervisors shall set fees, payable in advance, for review of all subdivision or land development plans, whether preliminary or final. Such fees shall be set by Resolution of the Board of Supervisors, a copy of which shall be available for review at the Township office. Such review fees shall include reasonable and necessary charges by the Township's professional consultants and Engineer for review and report thereon to the Township. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township's Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or costs charged by the Engineer or consultant to the Township when the fees are not reimbursed or otherwise imposed on applicant.
  1. In the event the applicant disputes the amount of any such review fees, the applicant shall within fourteen (14) days of the applicant's receipt of the bill, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
  2. In the event the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall resolve such disputes as follows:
    - a. If, within twenty (20) days from the date of the billing, the Township and the applicant cannot agree on the amount of the review fees which are reasonable and necessary, then the applicant and the Township shall jointly, by mutual agreement, appoint another professional of the same profession or discipline as the consultants whose fees are being disputed, who shall be licensed in the Commonwealth of Pennsylvania (if licensing is required for that consultant) to review the review fees, and make a determination as to the amount thereof which is reasonable and necessary.

- b. The professional so appointed shall hear such evidence and review such documentation as he or she in his sole opinion deems necessary, and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  - c. In the event the Township and the applicant cannot agree upon the professional to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of York County shall appoint such professional who, in that case, shall be the municipal engineer or any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
  - d. The fee of the appointed professional for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000.00 or more, the Township shall pay the fee of the professional, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional.
- B. All fees and other charges shall be paid by the developer or subdivider to the Township Secretary at the time of submission of the plan, whether preliminary or final. Payments shall be by check or money order payable to Fawn Township, to include any filing fee required by the County Planning Commission for its review, or any other agency other than the Township for their review.
- 1. No preliminary or final subdivision or land development plan shall be accepted for filing by the Township Secretary or acted upon unless and until payment is made to the Township and the appropriate reviewing agencies. Failure to pay such fees shall constitute an incomplete filing, and such filing shall be rejected by the Township Secretary.
- C. In addition to the required filing fees, the developer or subdivider shall reimburse the Township for the following costs:
- 1. plan review by the Township Engineer and/or planner.
  - 2. plan or other document review, if and as necessary, by the Township Solicitor.
  - 3. any public hearing required by the Board of Supervisors.
  - 4. site and layout inspection by the Codes Enforcement or Zoning Officer, the Sewage Enforcement Officer, or any other professionals by whom inspections are required by this Ordinance, or any other Township or County Ordinance, rule, regulation, or specification, or state or federal statute, rule or regulation.
  - 5. any inspections required by Section 1002 of this Ordinance, including any soil tests required by subsection A.3.

6. preparation or review of cost estimates of required improvements, review of requests for reduction of a performance or maintenance guaranty bond or other security agreement upon partial or total completion of required improvements, or determination of required amounts of performance or maintenance guaranty bond or other security agreement.
  7. inspection of required improvements during installation or construction.
  8. final inspection on completion of installation or construction of improvements.
  9. the costs of all street signs and traffic control signs or devices on streets to be constructed by the developer or subdivider which are dedicated to and/or intended to be adopted by the Township, which can be at the discretion of the Board of Supervisors, be included in the cost of public improvements, if any, pursuant to Section 1001.
- D. By filing for subdivision or land development plan approval, whether preliminary or final, the applicant shall be obligated to pay all costs provided or required by this Section or elsewhere in this Ordinance. Payment of such costs shall be promptly submitted to the Township Secretary or Zoning Officer as applicable by the applicant upon submission of bills from time to time.
- E. No final subdivision or land development plans shall be approved by the Board of Supervisors, and no zoning permit or other permit required by this Ordinance or any other Township Ordinance, code, or regulation shall be issued by the Township or the Township Codes Enforcement Officer until all such fees and costs have been paid in full by the applicant unless such fees or costs are disputed pursuant to subsection A.
- F. The Board of Supervisors shall have the right to require a developer or subdivider to prepay a fixed sum reasonably designed to cover any and all costs required in this Section or elsewhere in this Ordinance. Any such sum shall be placed by the Township in an interest-bearing account reserved for that specific purpose, separate and apart from the general or other funds of the Township. Upon final subdivision or land development approval and the recording of the final subdivision or land development plan, the Township shall refund to the applicant any and all unused portions of said funds, including any interest earned, except to the extent that such funds are included with any funds posted or required to be posted pursuant to Article X of this Ordinance, which shall then control the distribution and disbursement of such funds.

### **310 MEDIATION OPTION**

The Township may, in its sole discretion, on a case-by-case basis, offer a mediation option as an aid in completing procedures required by this Article. In exercising such an option, the Township and mediating parties shall meet the stipulation and follow the procedures set forth in Section 1106 of this Ordinance.



## ARTICLE IV

### PREAPPLICATION CONSULTATION

#### 401 CONSULTATION WITH PLANNING COMMISSION

- A. The pre-application conference and any other communications shall be kept as confidential as possible. Before going ahead with the Preliminary Plan procedure or with steps to acquire land or subdivide, the developer or subdivider should be familiar with these regulations and may consult with the Township Planning Commission about the following factors:
1. The suitability of the site for development.
  2. The demand for a development of the type proposed in the particular location proposed.
  3. The accessibility of the site.
  4. The availability of public facilities (schools, parks, water, sanitary and storm sewerage, etc.) and public services (police, fire, refuse disposal, etc.).
  5. The effect on the project of any contemplated improvements or the proposals of any comprehensive plan and these regulations.
  6. Sewage facilities requirements of the Department of Environmental Protection and the Township.
  7. Erosion and Sedimentation Plans and permits as required by the Department of Environmental Protection and administered by the Conservation District of York County.
  8. Precautionary measures to preserve or protect historic and natural features.
  9. Approvals by all appropriate State and Federal agencies.

#### 402 SKETCH PLAN SUBMISSION

- A. It is suggested that prior to the consultation with the Township Planning Commission, the developer or subdivider prepare a sketch plan of his proposed development. It is suggested that the developer or subdivider submit sufficient data to the Township Planning Commission for purposes of generally illustrating and discussing the proposed project. A sketch plan may be submitted to the Township Zoning Officer and Township Engineer for review not less than ten (10) days prior to the regular meeting of the Township Planning Commission at which it is to be considered. Submission of a sketch plan will not constitute a formal filing of an application for subdivision or land development approval with the Township. The Township Planning Commission may comment upon such sketch plan, but no formal approval or disapproval shall be given, and no information or advice provided by the Township Planning Commission shall be binding on the Board of Supervisors.

- B. After the Township Planning Commission has reviewed a sketch plan, the developer or subdivider can also request a review of a sketch plan by the Board of Supervisors to determine whether or not the Board believes the plan to be viable. However, no advice given by the Board of Supervisors shall be binding on the Board of Supervisors in reviewing any formal submissions of plans, whether preliminary or final.

#### **403 CONTENT OF SKETCH PLAN**

- A. A sketch plan should contain at least the following information:
1. Location map.
  2. General information concerning any community facilities or any other significant man-made or natural features, such as wooded areas, wetlands and floodplains, that will affect the proposal.
  3. A property map at a legible scale showing the specific parcel of land or site involved.
  4. A sketch of the proposed development drawn at a scale no smaller than 1" = 400' showing the proposed layout of streets and lots, and other features of the subdivision.
  5. A sketch plan need not be to exact scale nor are precise dimensions required.

## ARTICLE V

### PRELIMINARY PLANS

#### 501 PLAN REQUIREMENTS

A. The preliminary plan submission shall be prepared by a registered professional as defined in this Ordinance.

1. Plan Size and Scale

a. Seven (7) copies of the subdivision or land development plan prepared on sheet sizes of twenty-four inches by thirty-six inches (24" x 36") and drawn to one of the following scales:

- (i) Tracts of one (1) acre or less shall be drawn at a scale of no less than 1" equals 50'.
- (ii) Tracts of one (1) to ten (10) acres shall be drawn at a scale of no less than 1" equals 100'.
- (iii) Tracts in excess of ten (10) acres shall be drawn at a scale of no less than 1" equals 200'.
- (iv) Tracts to be used for commercial, industrial or high density housing development shall be at a scale of no less than 1" equals 50'.
- (v) The Township Planning Commission may, at the time it makes its recommendations on the preliminary plans, require that final plans be prepared at a scale of 1" equals 50' to assure legibility in cases warranted by the complexity of the proposal.

2. Preliminary Plan Information

a. The preliminary plan shall show:

- (i) The proposed name or identifying title of the project, date of the original submission and of each subsequent revision, written and graphic scale and north point.
- (ii) The name, address, and signature of the developer or subdivider and the name, address, license number, seal, and signature of the registered engineer or registered surveyor who prepared the plan. The signature of the developer or subdivider shall constitute a certification of the accuracy of the information in the plan to the best of his, her, or their knowledge, information and belief.
- (iii) The name, address and signature of the owner and the date of the owner's approval of the plan. The signature of the owner shall

constitute a certification of the accuracy of the information in the plan to the best of his, her, or their knowledge, information and belief.

- (iv) A location map showing the proposed project in relation to adjacent properties and existing streets, municipal boundaries, and recorded subdivision plans existing within one thousand (1,000) feet of any part of the tract being subdivided. The location map may be at a scale no less than 1" equals 2,000' and shall show a title, scale and north point.
- (v) The limits and dimensions of the tract to be subdivided or developed. The proposed location of all boundary line (perimeter) monuments shall be indicated. The total area being subdivided or developed shall be indicated.
- (vi) Existing contour lines at vertical intervals of two (2) feet for land with average natural slope of four percent (4%) or less, and at intervals of five (5) feet for land with average slope exceeding four percent (4%). The Township may also require supplemental plans showing final proposed contours.
- (vii) Location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be an established U.S.G.S. benchmark.
- (viii) If public improvements are proposed, certification by the professional engineer or surveyor that the topography shown resulted from an actual survey and the date of that survey.
- (ix) All existing water courses, wetlands, floodplains, tree masses or other significant natural features.
- (x) All existing buildings, sewers, water mains, culverts, petroleum or petroleum products lines, electric and telephone poles, telephone and cable pedestals, transformer pads, fire hydrants and other significant man-made features.
- (xi) All existing streets on or adjacent to the tract, including name, right-of-way width and cartway width.
- (xii) All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.
- (xiii) Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions and areas of all lots; proposed playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use; proposed street names; proposed watercourses and detention ponds; proposed phasing of land development.

- (xiv) Total number of lots, minimum lot sizes, density, open space and existing zoning classification.
- (xv) Names of owners of all adjoining properties and the names of all abutting subdivisions.
- (xvi) When on-lot sewage systems are proposed, the locations of all soil percolation test sites and probe sites shall be shown.
- (xvii) When on-lot water supply is proposed, the proposed or actual location of all well sites shall be shown.
- (xviii) Location, size, material and invert elevation of all existing and proposed sanitary sewers including any and all existing or proposed capped sewer lines and location of all manholes, inlets and culverts.
- (xix) Location of all on-site sewage systems and wells within two hundred (200) feet of the boundary of every lot proposed to be created or subdivided.
- (xx) Location, material, size and invert elevation of all existing and proposed storm sewers and material of each indicated, and any proposed connections with existing facilities.
- (xxi) Location and size of all existing and proposed water mains.
- (xxii) Where the preliminary plan covers only a part of the subdivider's entire holding, a sketch shall be submitted of the prospective street layout for the remainder.
- (xxiii) Block for signatures of the Board of Supervisors and date of approval.
- (xxiv) Block for signature and appropriate date of the County Planning Commission.
- (xxv) Land development plans shall show building locations and parking areas in addition to the above information.
- (xxvi) Copies of proposed deed restrictions shall be included with the preliminary plan, and a note on the plan referencing such deed restrictions.
- (xxvii) Uniform parcel identifier number for the original tract being subdivided or developed.
- (xxviii) On the first sheet of the plan, or in the event of a plan creating or identifying a large number of lots, at such place on the plan as can be readily located, a table identifying each lot number being created or identified by lot number, with a column identified for the placement of the uniform parcel identifier number, as required in Section 603.E.

- (xxix) A statement showing the total number of dwelling rights as of July 14, 1975 available on the entire tract which is the subject of the subdivision or land development, together with the number to be used in the proposed subdivision or land development, the number previously used or forfeited, and the total number remaining.
- (xxx) All existing or proposed utility easements necessary to provide proper and appropriate utilities to each lot or tract in the subdivision or land development.
- (xxxii) A statement by the owner and/or developer stating whether or not the tract or any portion of the tract has been placed in any agricultural preservation program, or whether any nonagricultural development rights have been sold to any entity pursuant to an agricultural easement or other easement program (not including "Clean and Green"), including county, state, federal or private agricultural preservation programs, and, if so, the number of acres of the tract which are the subject of each such action, the dates of all such actions, and the deed reference and recording information for all such easements or other documents evidencing such actions. A note setting forth the specific information about any transfer or sale of development rights through or pursuant to the county, state, or private Agricultural Preservation program, or any other program or group to which the developer has transferred or sold development rights, which information shall include the number of rights transferred or sold, a delineation of the area to which those rights were allocated, the date of the transfer or sale, and the recording information for the transfer or sale documents.
- (xxxiii) A note referencing any variances, special exceptions, conditions, or other actions of the Township Zoning Hearing Board, including the name of the applicants and the date of the Board's decision.
- (xxxiiii) For all non-residential subdivisions or land developments, and for all residential subdivisions of greater than 20 lots, a traffic study, performed by a licensed or certified traffic engineer, shall be performed, showing the impact of the proposed subdivision or land development on the traffic flow and/or patterns in the immediate vicinity of the development or subdivision, and making recommendations as appropriate. The traffic study shall be reviewed by the Township Engineer. The recommendations of the traffic study and those of the Township Engineer shall be shown on, and implemented as part of, the Final Plan, or shall be subject to a separate agreement, in which case they shall be conditions of final approval of the Final Plan.

3. Required Supplemental Data

- a. The preliminary plan shall be accompanied by the following supplemental data where applicable:

- (i) Whenever a tract or other parcel of land, or part thereof, proposed for subdivision or land development is located adjacent to a designated floodplain district, a map showing the location of the proposed subdivision or land development with respect to any designated floodplain district including information on the one hundred (100) year flood elevations.
- (ii) Where the subdivision or land development lies partially or completely within any designated floodplain district or where such activities border on any designated floodplain district, the preliminary plan map shall include the following information:
  - (1) the location and elevation of proposed roads, utilities, and building sites, fills, flood or erosion protection facilities.
  - (2) the one hundred (100) year flood elevations.
  - (3) areas subject to special deed restrictions.
  - (4) contours at intervals of two (2) feet.
  - (5) accurate boundaries of the designated floodplain districts as shown on the applicable flood insurance maps, or as certified by a registered professional as defined.
- (iii) Seven (7) copies of cross-section drawings for each type of proposed streets showing rights-of-way, cartway widths, location of any sidewalks, and planting strips, paving materials and profile drawings of all proposed streets showing existing and proposed grade.
- (iv) Seven (7) copies of plans and profiles of existing and proposed sanitary and storm sewer systems, water distribution systems, and any other pertinent utilities. Such plans shall include grades, pipe sizes and materials and the location of valves and fire hydrants.
- (v) Results of preliminary tests which shall be conducted in accordance with the Rules and Regulations of the Department of Environmental Protection and inspected by the Township's Sewage Enforcement Officer, and subject to Section 906.D.
- (vi) Whenever a single tract or other parcel of land, or part thereof, is subdivided or developed such that the subdivision or development is subject to the Rules and Regulations of the Department of Environmental Protection (DEP) pursuant to the disposal of liquid wastes, the land developer or subdivider shall provide to the Township, seven (7) copies of all applications submitted to DEP at the same time as submitted to DEP. Such submittal shall include:
  - (1) A preliminary plot plan indicating within the site the location of existing and proposed buildings, lot lines, sewage or sewerage systems, all sources of water supply such as wells

and springs, ponds, streams, and other bodies of water, rights-of-way, streets, roadways, highways, and access routes.

- (2) Information relating to the type of water supply and sewage supply provided or to be provided including soil conditions and limitations for on-lot sewage disposal if applicable, subject to Section 907.C.
  - (3) Information relating to adjacent property, building, sources of water supply, ponds, streams, sewage or sewerage systems, rights-of-way, streets, that may have a significant effect on the environmental and sanitary aspects of the proposed subdivision or use.
  - (4) Direction to north, direction of slopes, and degree of slope.
  - (5) Direction and distance of the nearest sewage treatment plant and information as to its present or future accessibility in terms of time, finances and load capacity as well as the sources of this information.
- (vii) Whenever a single tract or other parcel of land, or part thereof, is subdivided or developed, the then-current regulations of the York County Conservation District or other agency relating to erosion and sedimentation control shall be met. If an erosion and sedimentation plan is required, the following requirements shall be met:
- (1) Such plans shall show, as a minimum, the information required by Section 813 of This Ordinance.
  - (2) Four (4) copies of any required erosion and sedimentation plan shall be submitted to the Township.
  - (3) Such plans may be combined with any required stormwater drainage or stormwater management control plan.
- (viii) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation.
- (ix) Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback or right-of-way lines. This requirement may be satisfied by submitting a copy of any recorded agreement containing such information.



- (x) Whenever a single tract or other parcel of land, or part thereof, proposed for subdivision or land development requires stormwater drainage facilities, the developer or subdivider shall prepare a Stormwater Drainage Plan.
  - (1) Such plans shall show, as a minimum, the information required by Section 814 of This Ordinance.
  - (2) Seven (7) copies of any required stormwater drainage plan shall be submitted to the Township.
  - (3) Such plans may be combined with any required erosion and sedimentation control plans.
- (xi) In the event that the Plans propose extension of service into the project by any Authority or jurisdiction other than the Township, a statement from the applicable Authority or jurisdiction regarding the adequacy of such extension shall be submitted.
- (xii) If water is to be supplied by means other than on-site wells, maintained and operated by individual lot owners, a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such, a cooperative agreement or commitment must accompany the Plan as evidence that the proposed development will be supplied with an adequate, reliable and safe water supply.
- (xiii) Water and sewer feasibility reports as may be directed by the Board of Supervisors.

B. No sooner than thirty (30) days nor later than sixty (60) days after the applicant submits the preliminary plan, the applicant shall submit to PennDOT, where required for final approval of the plan, a highway occupancy permit application, and shall at the same time provide the Township and the York County Planning Commission with a complete copy of that application, together with proof satisfactory to the Township that the applicant has filed that application with PennDOT.

C. Any lot line created by a subdivision along a street, either existing or proposed, shall be shown to the center of the street, unless such lot line is along the boundary of the entire property to be subdivided, in which case the lot line shall extend and be shown to the limits of the previous deed.

## 502 REVIEW PROCEDURES

A. On or before seven (7) days prior to the next month's regularly scheduled meeting of the Township Planning Commission at which initial consideration is desired, the developer or subdivider shall submit seven (7) copies of the preliminary plan and accompanying documentation to the Township Secretary. Copies of the preliminary plan shall immediately be dated and distributed by the Township Secretary as follows:

1. One (1) copy of the plan and supporting data to the County Planning Commission for review and comment.
  2. One (1) copy of the plan and appropriate supporting data to the Township Engineer for his review and comment.
  3. One (1) copy of the plan to the Township Zoning Officer for his review and comment.
  4. One (1) copy of the plan to the Township Sewage Enforcement Officer for his or her review and comment.
  5. Three (3) copies of the plan and one (1) copy of the supporting data to the Township Planning Commission.
  6. Additionally, preliminary plans shall be submitted to adjacent municipalities and governmental agencies or authorities that may be affected by the plan. In this event, sufficient additional plans and data shall be submitted to the Township.
- B. At a regular or special Township Planning Commission meeting following receipt of reports from agencies listed above, but in no case later than two (2) months from the time of preliminary plan submission (unless waived pursuant to Section 303.H.), the Township Planning Commission shall:
1. Review the applicant's submission.
  2. Review all reports received.
  3. Discuss submission with applicant, or applicant's agent.
  4. Evaluate the plan, reports, and discussion.
  5. Determine whether the preliminary plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.
  6. Determine whether any required supplemental plans and/or studies, such as Traffic Impact Studies, Environmental Impact Assessment Reports, or other such studies shall be required or recommended.
  7. Either recommend approval, disapproval or conditional approval of the preliminary plan.
  8. The Township Planning Commission shall transmit the plans and report its decision, comments and/or recommendations in writing to the Board of Supervisors. When the Township Planning Commission recommends disapproval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the ordinance relied upon.
- C. During the course of the Township Planning Commission's review of the preliminary plan and prior to any action by the Board of Supervisors within the required ninety (90) day review period, the preliminary plan may be revised by the applicant. The required number of copies

of the revised plan shall be submitted which shall note the dates of any and all revisions and a summary of the nature thereof. If it is determined that the revision(s) are of a substantial nature, the applicant shall sign a statement stipulating that a new ninety (90) day time period shall commence from the date of the Township Planning Commission's meeting next following the filing of the revised preliminary plan. Or, in the alternative, the applicant shall sign a statement granting an extension of time for a lesser period to be concurred with by the Township Planning Commission. The additional reviews required for revised plans may require the payment of additional fees by the applicant.

- D. Upon review of a subdivision or land development plan, the Township Engineer shall make comments and recommendations in writing to the Township Planning Commission and the Board of Supervisors.
- E. The Township engineer shall review the highway occupancy permit application, and shall, within thirty (30) days of its receipt, submit comments to the Township and PennDOT regarding the highway occupancy permit application.

### **503 PLAN APPROVAL**

- A. The Board of Supervisors shall render its decision and communicate it to the applicant in accordance with the requirements of Section 304 of this Ordinance.
- B. The preliminary plan shall not be approved by the Board of Supervisors unless and until the applicant has provided the Township with evidence of the filing of a highway occupancy permit application as required in Section 501.B. Any preliminary plan approval by the Board of Supervisors which is granted prior to the issuance of a highway occupancy permit by PennDOT shall be conditioned on such approval being given by PennDOT. Any changes which become necessary to the final plan after preliminary plan approval which are as a direct result of modifications caused by the highway occupancy permit application process shall be capable of being implemented in the final plan, notwithstanding the fact that they may cause a variation in the final plan from that of the approved preliminary plan.
- C. In the event that the Board of Supervisors determines, in its sole discretion, that the preliminary plan will be recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania, then any approval shall be conditioned upon the developer or subdivider obtaining and placing on the plan the uniform parcel identifier numbers as assigned by the Tax Map Office of York County, utilizing the same procedure as, and as set forth in, Section 603.E. of this Ordinance.
- D. No final plan will be considered for approval by the Board of Supervisors at the same meeting that the preliminary plan is considered for approval. Any final plan may be submitted for approval to the Board of Supervisors for consideration and approval no earlier than the next available meeting of the Board of Supervisors after the preliminary approval is granted.



## ARTICLE VI

### FINAL RECORD PLANS

#### 601 PLAN REQUIREMENTS

A. The final plan shall be prepared by a registered professional as defined in this Ordinance. Final plans shall conform in all important details with preliminary plans as previously approved, and any conditions specified in the approval of preliminary plans shall be incorporated in the final plans. Final plans shall show the following:

1. Plan Size and Scale

a. The original drawing(s) and eight (8) copies of the subdivision or land development plan in the form of a map or series of maps on sheet sizes of twenty-four inches by thirty-six inches (24" x 36"). Maps shall be drawn to one of the following scales:

- (i) Tracts of one (1) acre or less shall be drawn at a scale of no less than 1" equals 50'.
- (ii) Tracts of one (1) to ten (10) acres shall be drawn at a scale of no less than 1" equals 100'.
- (iii) Tracts in excess of ten (10) acres shall be drawn at a scale of no less than 1" equals 200'.
- (iv) Tracts to be used for commercial, industrial or high density housing development shall be at a scale of no less than 1" equals 50'.

2. Final Plan Information

a. The final plan shall show:

- (i) The items required to be shown in preliminary plans as specified in Section 501.A. of this Ordinance.
- (ii) The date of approval of the preliminary plans and any subsequent revisions.
- (iii) The date of the original final plan submission and of each subsequent revised submission.
- (iv) The total tract boundary lines of the area being subdivided or developed accurate to hundredths of a foot and bearings to one quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet. The location of all boundary line (perimeter)

monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.

- (v) Final topographic contours at vertical intervals of two (2) feet for land with average natural slope of four percent (4%) or less, and at intervals of five (5) feet for land with average slope exceeding four percent (4%).
- (vi) A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any designated floodplain district. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the flood-prone areas.
- (vii) The following data for center lines and right-of-way lines of all existing, recorded and proposed streets within the tract being subdivided or developed:
  - (1) The length in feet and hundredths of a foot of all straight lines and of the radius and the arc or chord of all curved lines including curved lot lines.
  - (2) The width in feet of the cartway, right-of-way and, where required, of the ultimate right-of-way, and the degrees, minutes and quarter of a minute of the delta angle of all curved lines including curved lot lines
- (viii) If the subdivision or development proposes a new street intersection with a State Legislative Route, the Pennsylvania Department of Transportation Highway Occupancy Permit number(s) shall be shown for all such intersections.
- (ix) The location of all existing and proposed street monuments.
- (x) The location of all proposed street lights and street signs.
- (xi) Final lot lines with dimensions and areas. All lot lines shall be defined in feet and hundredths of a foot by distances and in degrees, minutes and quarters of a minute either by magnetic bearings. The locations of all monuments and markers shall be shown. Any lot line created by a subdivision along a street, either existing or proposed, shall be shown to the center of the street, unless such lot line is along the boundary of the entire property to be subdivided, in which case the lot line shall extend and be shown to the limits of the previous deed. All final plans shall contain a note stating that monuments placed pursuant to Section 909.A.1 shall be placed at the corner of a lot line and street right-of-way line, and the side lot lines shall continue an additional specified number of feet to the center line of the street.

- (xii) The minimum building setback lines for all lots or other sites.
- (xiii) A statement of the types of structures to be erected and a summary table of the number of structures and dwelling units proposed.
- (xiv) A statement of the intended use of all non-residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if recorded, including the book and page number.
- (xv) Location and size of existing and proposed utility structures and/or transmission lines including water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
- (xvi) The location of any existing bodies of water or watercourses, tree masses, buildings or structures including the location of wells and on-site sewage facilities for such buildings or structures, public facilities and any other manmade or natural features within the proposed subdivision, or within two hundred (200) feet of the proposed subdivision.
- (xvii) Certification of ownership, acknowledgment of approval of the plan and offer of dedication of streets and other public lands as may be offered shall be shown on the plan and shall be duly acknowledged and signed by the owner(s) of the land being developed or subdivided. Such certification shall bear the signature and seal of a notary public.
- (xviii) Certification by the registered professional preparing the plans that the plans are in conformity with building, sanitation and other applicable Township ordinances and regulations and with the regulations governing the extension of utility services into the Township. In any instance where such plans do not conform, evidence shall be presented that an exception has been officially authorized.
- (xix) Block for signature and appropriate date of the County Planning Commission.
- (xx) Block for signatures of the Board of Supervisors and date of approval.
- (xxi) Where access to a highway under jurisdiction of the Pennsylvania Department of Transportation is proposed, a notation as follows:

"A highway occupancy permit is required pursuant to Section 420 of the State Highway Law before driveway access is permitted. Access to the State highway shall be only as authorized by a highway occupancy permit."

- (xxii) The existing uniform parcel identifier number for each existing tract or separate lot which is not being created by the plan, including but not limited to the parent tract which is being subdivided.
- (xxiii) On the first page of the plan, or in the event of a plan creating or identifying a large number of lots, at such place on the plan as can be readily located, a table identifying each lot number being created or identified by lot number, with a column identified for the placement of the uniform parcel identifier number, as required in Section 603.E.
- (xxiv) A statement showing the total number of dwelling rights as of July 14, 1975 available on the entire tract which is the subject of the subdivision or land development, together with the number to be used in the proposed subdivision or land development, the number previously used or forfeited, and the total number remaining.
- (xxv) A note setting forth the specific information about any transfer or sale of development rights through or pursuant to the county, state, or private Agricultural Preservation program, or any other program or group to which the developer has transferred or sold development rights, which information shall include the number of rights transferred or sold, a delineation of the area to which those rights were allocated, the date of the transfer or sale, and the recording information for the transfer or sale documents.
- (xxvi) A note that all hydrogeological or other studies required by DEP or EPA have been conducted, and the minimum lot sizes required as a result of such study, pursuant to Section 906.
- (xxvii) A note referencing any variances, special exceptions, conditions, or other actions of the Township Zoning Hearing Board, including the name of the applicants and the date of the Board's decision.

### 3. Required Supplemental Data

- a. The final plan shall be accompanied by the following supplemental data and permits where applicable:
  - (i) Seven (7) copies of a utility plan or plans showing tract boundaries, existing and proposed streets, lot lines, sanitary and storm water sewer facilities, water mains, and other underground utilities, curbs, sidewalks, fire hydrants, manholes and street light standards.
  - (ii) Seven (7) copies of profile and cross-section plans or of streets showing final grades of curbs, sanitary and stormwater sewers, water mains, underground utilities and stormwater management facilities.
  - (iii) An agreement that the developer or subdivider will install all underground utilities before paving streets or constructing sidewalks.



- (iv) Agreements from electric and other private utility companies stating that they will provide timely service to the subdivision or land development, and proof satisfactory to the Township and its Engineer or other professional consultants that any proposed water supply is adequate to support the proposed subdivision or land development.
- (v) Final designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation.
- (vi) Water and sewer feasibility reports as may be required including any updated information which may have become available since the submission of the preliminary plan.
- (vii) Copies of all required permits and related documentation from the Department of Environmental Protection, and any other Commonwealth agency, where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. The Department of Community and Economic Development, and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.
- (viii) Seven (7) copies of the erosion and sedimentation plan as approved by the York County Conservation District Office.
- (ix) Seven (7) copies of the stormwater drainage plan.
- (x) Reference to such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title of the land being subdivided, and information identifying the Record Books and Pages where such are recorded.
- (xi) Any other certificates, affidavits, endorsements or dedications, that may be required by the Township Planning Commission or the Board of Supervisors.
- (xii) Evidence that the developer or subdivider has installed the necessary street and other improvements as required in Section 902 of this Ordinance in accordance with Township standards and specifications, or that the subdivider has furnished the Township the following assurances that said improvements will be installed:
  - (1) A written agreement concerning improvements not yet completed, in a form provided by the Township, that the developer or subdivider will lay out and improve roads and streets, erosion and sediment control facilities, and construct

all of the improvements required in Article IX of this Ordinance as a condition of the approval of the plan by the Board of Supervisors within the time or times specified therein; and

- (2) A bond, or other security, in such amount as required by Section 1001 of this Ordinance, to guarantee the performance of the developer's or subdivider's undertaking and to secure the completion of all required improvements within the time therein specified and a written agreement that, upon acceptance of the said streets or improvements, the developer or subdivider shall provide a maintenance guarantee in accordance with the provisions of Section 1008 of this Ordinance.

## **602 REVIEW PROCEDURE**

- A. On or before seven (7) days prior to the next month's regularly scheduled meeting of the Township Planning Commission at which initial consideration is desired, the developer or subdivider shall submit the original drawing and seven (7) copies of the final plan and accompanying documentation to the Township Secretary. However, except for plans submitted pursuant to Section 305 of this Ordinance, no final plan shall be submitted to or accepted by the Township until after the Township Planning Commission has completed its review of the preliminary plan.
- B. A final plan may be prepared for only a portion of the approved preliminary plan where a developer or subdivider wishes to undertake the development of a project in sections or stages. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion.
- C. Copies of the final plan and supporting data shall be immediately dated and distributed by the Township Secretary as follows:
  1. One (1) copy of the plan and supporting data to the County Planning Commission for review and comment.
  2. One (1) copy of the plan and appropriate supporting data to the Township Engineer for his review and comment.
  3. One (1) copy of the plan to the Township Zoning Officer for his review and comment.
  4. One (1) copy of the plan to the Township Sewage Enforcement Officer for his or her review and comment.
  5. Three (3) copies of the plan and one (1) copy of the supporting data to the Township Planning Commission.

6. Additionally, final plans shall be submitted to adjacent municipalities and governmental agencies or authorities that may be affected by the plan. In this event, sufficient additional plans and data shall be submitted to the Township.
- D. At a regular or special Township Planning Commission meeting following receipt of reports from agencies listed above, but in no case after two (2) months from the time of final plan submission (unless waived pursuant to Section 303.H.), the Township Planning Commission shall:
1. Review the applicant's submission.
  2. Review all reports received.
  3. Discuss submission with applicant, or applicant's agent.
  4. Evaluate the plan, reports, and discussion.
  5. Determine whether the preliminary plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.
  6. Determine any required supplemental plans and/or studies, such as Traffic Impact Studies, Environmental Impact Assessment Reports, or other such studies.
  7. Either recommend approval, disapproval or conditional approval of the final plan.
  8. The Township Planning Commission shall transmit the plans and report its decision, comments and/or recommendations in writing to the Board of Supervisors. When the Township Planning Commission recommends disapproval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the ordinance relied upon.
- E. Upon review of a subdivision or land development plan, the Township Engineer shall make comments and recommendations in writing to the Township Planning Commission and the Board of Supervisors.
- F. During the course of the Township Planning Commission's review of the final plan and prior to any action by the Board of Supervisors within the required ninety (90) day period, the final plan may be revised by the applicant according to the procedure for preliminary plan revisions and as set forth in Section 502.C herein, and a new ninety (90) day review period will begin as also set forth in Section 502.C.

### **603 PLAN APPROVAL**

- A. The Board of Supervisors shall render its decision and communicate it to the applicant in accordance with the requirements of Section 304 of this Ordinance.
- B. No final plans shall be approved, either finally or conditionally, unless and until the applicant provides proof satisfactory to the Township that the applicant has received the highway occupancy permit issued by PennDOT. Providing the highway occupancy permit to the

Township for photocopying by the Township shall constitute such proof. Any proof other than the production of the actual highway occupancy permit shall be at the discretion of the Township staff. The final plan submitted to the Board of Supervisors shall comply and be consistent with the highway occupancy permit, even if different from the preliminary plan.

- C. Failure of the applicant to receive a highway occupancy permit within the time required by Section 508 of the MPC for the Township to act on the applicant's final plan shall constitute a failure by the applicant to meet the requirements of the Subdivision Ordinance, and shall result in a denial of applicant's final plan, unless applicant, in writing, waives the time limit.
- D. Each final plan at the time of approval shall have affixed to it a note the text of which shall be provided by the Township referencing the requirement, where appropriate, in Section 508(6) of the MPC, of a highway occupancy permit, and referencing the actual permit number, and requiring that, in the event that any part of the development for which a highway occupancy permit is required is not completed during the term of the highway occupancy permit and any extensions granted to that permit, then a new highway occupancy permit shall be required, and the review process set forth in Sections 501.B. and 502.E. of the Township's Subdivision and Land Development Ordinance shall again be met.
- E. All approvals of final plans, and of any preliminary plans which are to be recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania shall be conditional approvals. In addition to other conditions of approval, such approval shall be conditioned on the developer obtaining the uniform parcel identifier number for each lot to be created by or identified on the subdivision or land development plan. The sequential steps necessary for obtaining UPI Numbers shall be as follows:
  - 1. At the time of conditional approval by the Board of Supervisors, the Chairman, or in his or her absence, the Vice-Chairman, shall sign a letter to the Tax Map Office, in a form to be approved by the Board of Supervisors, noting the approval of the plan conditioned on the placement of uniform parcel identifier numbers on the plan.
  - 2. The developer shall then take a notarized copy of the plan, which copy is intended to be recorded in the Office of the Recorder of Deeds, together with the letter executed by the Township, to the Tax Map Office of York County for the assignment of uniform parcel identifier numbers, which numbers shall be placed on the appropriate table on the plan, as required in Section 601.A.2.a(xxiii).
  - 3. After those numbers are assigned, the developer shall return the copy of the plan on which those numbers are originally affixed, together with one (1) identical copy (complete with the uniform parcel identifier numbers), and a check made out to the "York County Recorder of Deeds" in the amount determined by the Tax Map Office to be due for the assignment of the uniform parcel identifier numbers, to the Township.
  - 4. Once the developer has met all of the conditions of approval, the Board of Supervisors shall sign the mylar, which the Township shall hold until signed, and copies of the plan, and cause the plan to be recorded in the Office of the Recorder of Deeds in and for York County, Pennsylvania.
- F. No final plan will be considered for approval by the Board of Supervisors at the same meeting that the preliminary plan is considered for approval. Any final plan may be submitted for

approval to the Board of Supervisors for consideration and approval no earlier than the next available meeting of the Board of Supervisors after the preliminary approval is granted.

#### **604 RECORDING OF THE PLAN**

- A. Upon receipt by the Township from the developer or subdivider of the original of the copy of the plan on which the uniform parcel identifier numbers have been placed by the Tax Map Office of York County, as required in Section 603.E., and upon the meeting of all of the conditions of approval, the Board of Supervisors shall sign and date the plan, which date shall be the date on which the Supervisors sign the plan, even though different from the date on which they rendered their conditional approval. The Township shall then be responsible for obtaining the signature of the York County Planning Commission, and for recording the plan. All costs for recording the plan shall be prepaid by the developer on a schedule to be established by the Board of Supervisors by Resolution.
- B. As required in Section 603.E., the plan to be recorded shall have a raised notary seal.

#### **605 VOIDANCE OF APPROVAL**

Within ninety (90) days after the signing of the final plan by the Board of Supervisors following the completion of all conditions of approval, the final plan shall be recorded by the developer or subdivider with the York County Recorder of Deeds or said approval shall be null and void. The Recorder of Deeds shall not accept any plan for recording unless the plan has been officially approved and signed by the Board of Supervisors.



## ARTICLE VII

### MOBILEHOME PARK REGULATIONS

#### 701 PROCEDURE

- A. No person, firm or corporation shall construct, maintain or operate a mobilehome park without first obtaining a zoning permit and subsequently a certificate of occupancy. The procedures for reviewing mobilehome park plans shall be the same as for subdivision and land development plans in accordance with the provisions of this Ordinance.
1. Special Exception Use Permit
    - a. Mobilehome parks are permitted in the Township as a use by special exception in the (R) Residential Zone, and in no other Zone, as described and regulated by the Fawn Township Zoning Ordinance.
      - (i) Prior to submitting a mobilehome park plan for review and approval as a land development plan, the owner, developer or subdivider shall, except as otherwise permitted herein, obtain a special exception use permit from the Zoning Hearing Board as required by Article VIII of the Fawn Township Zoning Ordinance.
  2. Plan Review
    - a. Plans shall be submitted to and reviewed by the Township Planning Commission in accordance with the requirements and procedures of this Ordinance regarding Article III, General Procedure; Article IV, Preapplication Consultation; Article V, Preliminary Plans; and Article VI, Final Record Plans.
  3. Plan Approvals
    - a. The Board of Supervisors shall take action on preliminary plans in accordance with Section 503 and on final plans in accordance with Section 603 of this Ordinance.
      - (i) In any case where the owner, developer or subdivider of a mobilehome park has submitted a land development plan, the Board of Supervisors shall not give consideration to such plan until the owner, developer or subdivider has obtained a special exception use permit from the Zoning Hearing Board.

#### 702 MOBILEHOME PARK ADDITIONS

An addition to or expansion of an existing mobilehome park for the purpose of increasing the number of mobile homes, increasing recreation or service areas, or for any other purpose shall be considered to be a land development and subject to all of the requirements and procedures of this Article and other provisions of this Ordinance and all other Township ordinances, codes and regulations.

## 703 IMPROVEMENT AND DESIGN STANDARDS

A. In addition to the requirements of this Article, all new mobilehome parks and any addition to any existing mobilehome park shall comply with all requirements set forth in the Fawn Township Zoning Ordinance and the following:

1. Anchoring

a. Every mobilehome shall be anchored to the concrete slab on which it shall be placed to prevent uplift or overturning of the mobilehome.

(i) Every mobilehome shall be firmly anchored to withstand a lateral wind pressure of fifteen pounds per square foot (15 lbs./sq. ft.).

(ii) The dead load resisting moment of a mobilehome shall not be less than one and one-half (1-1/2) times the overturning moment due to wind and other lateral forces. The foundation and superimposed earth loads may be included provided the anchorage is sufficient to develop these weights. The Township Engineer shall determine the sufficiency of the method of anchorage.



**ARTICLE VIII**  
**DESIGN STANDARDS**

**801 APPLICATION**

- A. The following principles, standards and requirements will be applied in evaluating plans for proposed subdivisions or land developments.
  - 1. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.
  - 2. Where literal compliance with the standards herein specified is clearly impractical, the Township Planning Commission may recommend modification of the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Ordinance.

**802 LAND REQUIREMENTS**

- A. Land shall be suited to the purposes for which it is to be subdivided or developed.
- B. Land which is unsuitable for development because of hazards to life, safety, health or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the subdivision or land development plan. Land having any of the following characteristics shall be deemed unsuitable for development within the meaning of this section:
  - 1. Land subject to flooding or which has a high ground water table.
  - 2. Land which, if developed, will create or aggravate a flooding condition upon other land.
  - 3. Land subject to subsidence.
  - 4. Land subject to underground fires.
  - 5. Land on which a DEP sewage permit cannot be obtained.
  - 6. Land which, because of topography or means of access is considered hazardous by the Board of Supervisors, and for which no remediation acceptable to the Township Engineer can be provided, applying accepted engineering standards.
- C. Proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
- D. Proposed land uses shall conform to the Fawn Township Zoning Ordinance.

- E. The subdivision or land development, to the extent practicable, shall conform to the Fawn Township Comprehensive Plan and any regulations or maps adopted in furtherance thereof.

### **803 BLOCKS AND LOTS**

- A. The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, to the land use and zoning requirements of Fawn Township, the topography of the land being subdivided, and the requirements for safe and convenient vehicular and pedestrian circulation.
- B. The following minimum standards for the design and size of blocks shall apply unless the Board of Supervisors determines that other standards should apply because of the topography of the land being subdivided or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required:
  - 1. Blocks shall not exceed sixteen hundred (1600) feet in length, nor be less than five hundred (500) feet in length.
  - 2. Residential blocks shall generally be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used, or where due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between parallel streets for such two (2) tier design.
  - 3. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroad access right-of-way, and utilities shall be provided as necessary.
- C. The following minimum standards for the design and size of lots shall prevail:
  - 1. Lot lines intersecting street lines shall be substantially at right angles or radial to street lines.
  - 2. Lots shall, in general, front on a street which has already been dedicated to the Township, or which the developer or subdivider proposes to dedicate to the Township in connection with approval of the final plan. In commercial or industrial or residential subdivisions or land developments where access is proposed to be provided by private streets within the subdivision or land development, this requirement may be waived by the Board of Supervisors.
  - 3. No subdivision or land development will be approved on a private street unless the provisions of Section 807 have been met.
  - 4. The Board of Supervisors shall assign house numbers to each lot within a subdivision at such time and following such procedures as they shall separately establish.

5. The minimum lot size, lot width, lot depth and front, side, and rear yards of all proposed lots shall meet the requirements set forth in the Fawn Township Zoning Ordinances as well as provisions of this Ordinance.
6. Minimum and maximum lot sizes shall be as set forth in the Fawn Township Zoning Ordinance. However, if, as a result of testing or studies conducted as required by Section 906.D of this Ordinance, additional lot area is required for the absorption field for an on-lot sewage disposal system, the specific provisions relating to such additional lot areas set forth in the Fawn Township Zoning Ordinance shall apply.
7. Remnants of land, smaller than required for a lot, shall not be permitted within any subdivision. Such remnants shall be incorporated in existing or proposed lots, or dedicated to public use if acceptable to the Board of Supervisors.
8. Double frontage (through) lots shall be discouraged, except where provided as reverse frontage lots.
  - a. Reverse frontage lots shall be required in the following instances:
    - (i) adjacent to limited access highways;
    - (ii) where required due to the limitations of a specific site;
    - (iii) where a reduction of driveway intersections along a street with a high volume of vehicular traffic is desired.
  - b. All reverse frontage lots shall include an identification of the frontage to be used as a road access. All reverse frontage lots shall have a rear yard in accordance with the requirements of the Fawn Township Zoning Ordinance and shall, within each rear yard and immediately adjacent to the street right-of-way, have a planted a ten (10) foot wide landscape buffer strip that, at the time of installation, will block a minimum of seventy-five (75) percent of the view through the buffer and across which there shall be no vehicular access. To the extent that the Fawn Township Zoning Ordinance applies different standards for buffers, the stricter standards shall apply.
9. Off-street parking, meeting the standards set forth in the Fawn Township Zoning Ordinance, shall be provided on each lot.

## **804 GRADING**

- A. No grading or earth moving activity shall take place on any lot or site within any proposed subdivision or land development until a preliminary subdivision or land development plan has been approved by the Board of Supervisors. Grading shall be permitted only in accordance with the Fawn Township Erosion and Sedimentation Control Ordinance, and all other Township, state and county statutes and ordinances , rules, or regulations, in addition to the following:

1. Blocks, lots, and land development sites shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum two percent (2%) slopes away from structures shall be required.
2. Lot and site grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, retention pond, detention pond, or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) or more than four percent (4%). The swales shall be sodded, planted or lined with material acceptable to the Township Engineer, in accordance with applicable local, state or federal regulations. A stormwater drainage plan shall be required for all subdivisions and land developments.
3. The developer or subdivider shall construct and install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, retention pond, detention pond, or natural water course.
4. No final grading shall be permitted with a cut face steeper in slope than two horizontal to one vertical except under one or more of the following conditions:
  - a. The material in which the excavation is made is sufficiently stable to sustain a slope steeper than two horizontal to one vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the Township and approved by the Township Engineer. The statement shall state that the lot or site has been inspected and that the deviation from the slope specified herein will not result in injury to persons or damage to property.
  - b. A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the Township and approved by the Township Engineer.
5. No final grading shall be permitted which creates any exposed surface steeper in slope than three (3) horizontal to one (1) vertical except under one or more of the following conditions:
  - a. The fill is located so that settlement, sliding or erosion will not result in property damage or be a hazard to adjoining property, streets, alleys, or buildings.
  - b. A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the lot or site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to the Township and approved by the Township Engineer.
  - c. A concrete or stone masonry wall designed and constructed according to sound engineering standards to support the face of the fill. Plans for said

construction shall be submitted to the Township and approved by the Township Engineer.

6. The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of street or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property.
7. Topsoil shall be preserved and redistributed as ground cover, consistent with the erosion and sedimentation requirements of the York County Conservation District.

## **805 STREET SYSTEM**

- A. Proposed street patterns shall be integrated with existing and officially planned streets and highways and shall be related to topography to produce usable lots and acceptable street grades. Proposed street systems shall be designed to meet the following standards:
  1. Access shall be given to all lots and portions of the tract in the subdivision or land development and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision or land development and shall be improved to Township specifications. Reserved strips and land-locked areas shall not be created.
  2. Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, arterial streets shall be designed for use by through traffic only.
  3. Where the proposed subdivision or land development contains or is adjacent to an existing or proposed arterial street or a highway designated as a Limited Access Highway by the appropriate highway authorities, provisions shall be made for marginal access streets at a distance acceptable for the appropriate use of the land between the arterial street or Limited Access Highway and the marginal access streets. The Board of Supervisors may also require rear service areas, double frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets, and separation of local and through traffic.
  4. Half or partial streets will not be permitted in new subdivisions or land developments except where essential to reasonable subdivision or development of a tract in conformance with the other requirements and standards of this Ordinance and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
  5. Wherever a tract to be subdivided or developed borders an existing half or partial street, the entire street shall be shown on the plan.
  6. Dead-end streets shall be prohibited, except when designed as cul-de-sacs.
  7. New reserve strips, including those controlling access to streets shall be forbidden.

8. Where adjoining areas are not subdivided, the arrangement of streets in a proposed subdivision or land development shall make provision for the proper projection of streets into the unsubdivided land. The owner of the unsubdivided land shall be given written notice, by the applicant, of the pending subdivision or land development at least two (2) weeks prior to the Township Planning Commission meeting at which the plan will first be considered. Such notice shall set forth the effect of the projection of the proposed streets across boundaries on any future development in the unsubdivided land and stating the date and time of the Township Planning Commission meeting at which the owner may appear and present objections thereto. Proof of said notice shall be presented at such Township Planning Commission meeting. If objections are presented, the final determination of street location in the proposed subdivision or land development shall be within the discretion of the Board of Supervisors.
9. Street names shall be coordinated with existing or platted street names, and if a new street is a continuation of or is aligned with an existing or platted street within Fawn Township, it shall bear the same name as the existing or platted street.
10. No street shall be laid out or opened which extends to or crosses any boundary between the Township and any other municipality except with the specific approval of and upon such conditions as the Board of Supervisors may impose. If the street is proposed to serve a commercial area, an industrial area or a residential area of fifty (50) dwelling units or more, located in another municipality, the street shall not be approved unless the area is also served by a street in the other municipality and unless the relevant traffic facilities of the Fawn Township are adequate to handle the anticipated volume.

## **806 STREET DESIGN**

- A. Streets shall be designed according to their function and laid out to preserve the integrity of their design in accordance with the PennDOT functional classification for arterial, collector and local streets, attached as Appendix 1, except for the following:
  1. Alley and Service Drive
    - a. This classification is intended to include minor streets which provide secondary access to the back or side of properties abutting a street. It is also intended to include marginal access drives which are parallel to arterial highways and collector roadways providing service access to property fronting on such highways and roadways. These streets should be designed for operating speeds of fifteen (15) miles per hour or under.
  2. Private Street
    - a. This classification is intended to include streets which are not intended to be dedicated for public use, the sole purpose of which is to provide frontage and access to streets dedicated for public use and adopted or intended to be adopted by the Township as public streets. These streets are controlled by Section 807.

- B. Where a subdivision or land development abuts or contains an existing street of inadequate width, sufficient additional cartway (or, where necessary, right-of-way) width shall be required to meet the standards of this Ordinance, including any additional temporary right-of-way needed for completion of improvements.
- C. Additional right-of-way and cartway widths may be required by the Board of Supervisors to promote public safety and convenience when special conditions require it and to provide parking space in areas of intensive use.
- D. Where reasonable and practicable, new streets shall be laid out to continue existing streets at no reduction in width. Greater widths may be required.
- E. Street widths shall be as follows:

<u>Classification</u>	<u>Minimum Right-of-Way</u>	<u>Minimum Cartway Width</u>
Arterial/Limited Access Street	80 -120 feet	As determined after consultation with the York County Planning Commission and PennDOT
Collector Street	60 feet	36 feet
Minor Street	50 feet	28 feet
Marginal Access Street	Variable, but not less than 33 feet in addition to right-of-way of the major street it adjoins	20 feet
Permanent cul-de-sac (See F, below)	50 feet	28 feet
Service drive or alley	22 feet	22 feet

- F. Cul-de-sacs shall not be utilized unless specially approved by the Board of Supervisors after review and recommendation of the Township Planning Commission, in accordance with this Section. In addition:
  1. To receive approval for a cul-de-sac, an applicant must demonstrate that there is no other manner in which to design a street system because of topography or land parcel shape or size. A cul-de-sac shall not exceed 600 feet in length, nor be less than two hundred fifty (250) feet in length. Further extension shall not be granted unless first reviewed by the Township Planning Commission, and then only on a case by case basis.
  2. Cul-de-sac streets shall be provided at the closed end with a turnaround having a minimum diameter of eighty (80) feet to the outside curb, and one hundred (100) feet to the legal right-of-way.

3. The length of the cul-de-sac shall be measured from the center of the closed end to the point of intersection of the centerline of the cul-de-sac and the centerline of the intersecting street.
  4. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround.
  5. Commercial and Industrial cul-de-sacs shall be reviewed for adequacy by the Township Engineer.
- G. Dead End Streets are prohibited, except when designed as temporary cul-de-sac streets by the developer on his own land in order to permit future street extensions into adjoining tracts. These temporary dead end streets must be on approved plans, and must be constructed with a stabilized all weather turnaround of the same radius as that which would be required for a permanent cul-de-sac. The turnaround shall be removed when the street is continued.
- H. Street alignments shall be permitted only in accordance with the following:
1. Changes in street direction shall be made by horizontal curves with a minimum of: five hundred (500) feet for major and arterial streets; three hundred (300) feet for collector streets; and one hundred fifty (150) feet for local streets. These radii are to be measured at the centerline. Shorter radii may be permitted on recommendation of the Township Engineer.
  2. On collector and arterial streets, the minimum tangent shall be at least two hundred fifty (250) feet between horizontal curves.
  3. Clear sight distance for vertical curves shall be measured four (4) feet above vertical grade. Along the centerlines of local streets, it shall be maintained at not less than one hundred fifty feet; along collector streets, at not less than two hundred fifty (250) feet; and along major and arterial streets, at not less than four hundred fifty (450) feet.
- I. Curves:
1. Where connecting street lines deflect from each other at any one point, by more than 10 degrees, the lines must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be as follows:

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



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

J. Vertical Curves: Changes in grade shall be joined by vertical curves. To the extent practical, a smooth grade line with gradual changes as consistent with the type of street and the character of terrain, should be provided in preference to a line with numerous breaks on short lengths of grades. Vertical curves which do not satisfy the minimum stopping sight distance requirements, specified elsewhere in this Ordinance, shall not be approved.

K. The grades of streets must meet the requirements below:

	<u>Minimum Grade</u>	<u>Maximum Grade</u>
All Streets	.5%	
Arterial		6%
Collector		7%
Minor Streets		12%
Cul-de-sacs		12%
Marginal Access Streets		12%
Alleys or Service Drives		14%

In all grades exceeding 1%, vertical curves must be used and must be designed for proper sight distance.

L. The slopes of the crown on residential service and neighborhood collector streets shall be at least one-eighth (1/8) inch per foot, but not more than one-third (1/3) inch per foot, as determined by the Township's Engineer.

M. Proper sight distance must be provided with respect to both horizontal and vertical alignment. Measured along the centerline, 5 feet above grade, the minimum sight distance must be as follows:

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

N. Slope of banks, measured perpendicular to the street centerline, may not exceed 3 to 1 for fills, or 2 to 1 for cuts. Such slopes shall be suitably planted with perennial grasses or other vegetation to prevent erosion.

O. Street intersections shall be permitted only in accordance with the following:

1. No more than two (2) streets shall cross at the same point. Street intersections shall be at right angles wherever possible, and intersections of less than seventy-five (75) degrees (measured at the centerlines of the streets) will not be permitted.

2. The distance between intersections shall be as follows:

	<u>TYPE OF INTERSECTION</u>				
	<u>Arterial with Arterial</u>	<u>Arterial with Collector</u>	<u>Collector with Collector</u>	<u>Collector with Minor</u>	<u>Minor with Minor</u>
Minimum Distance Between Centerlines of Intersections of Intersections feet	800 feet	800 feet	600 feet	500 feet	500
Minimum separation of centerlines for streets not in alignment	Must be in alignment with planned or proposed streets entering from opposite side			125 feet	125 feet

3. Intersection Sight Distances: Proper sight lines must be maintained at all street intersections. Clear sight triangles of seventy-five (75) feet (150 feet for Arterial Streets) measured along street center lines from their points of junction shall be provided at all intersections and no building, structure grade or planting higher than three (3) feet above the centerline of the street shall be permitted within such sight triangles.

4. Intersections involving the junction of more than two (2) streets are prohibited. Intersections must be as nearly at right angles as possible. However, in no case should they deviate from the standards below:

	<u>TYPE OF INTERSECTION</u>				
	<u>Arterial with Arterial</u>	<u>Arterial with Collector</u>	<u>Collector with Collector</u>	<u>Collector with Minor</u>	<u>Minor with Minor</u>
Angle of Intersection of Street Centerlines	90°	75°—105°	75°—105°	75°—105°	75°—105°

5. Intersection Grades: Intersections must be approached on all sides by level areas. Where the grade exceeds 7%, these level areas must have a minimum length of 50 feet (measured from the intersection of the centerlines) within which no grade may exceed a maximum of 4%.

6. Intersection Curve Radii:

a. Design of curb or edge of pavement must take into account such

conditions as types of turning vehicles, likely speeds of traffic, angle of turn, number of lanes, and whether parking is permitted, but curb or edge of pavement radii must not be less than the following:

<u>Type of Intersection</u>	<u>Minimum Simple Curve Radii of Curb or Edge of Pavement</u>
Arterial with Arterial	40 feet or more, as determined after consultation with PennDOT
Arterial with Collector and Minor	35 feet
Collector with Collector	30 feet
Collector with Minor	25 feet
Minor with Minor	20 feet

- b. Three-centered compound curves equivalent to the above minimum simple curves are permitted and encouraged where applicable.
- c. Radius corners or diagonal cutoffs must be provided on the property lines substantially concentric with, or parallel to, the cord of the curb radius corners.

- P. The following standards shall apply to the design and location of alleys and service drives:
  - 1. No part of any dwelling, garage, or other structure may be located within sixteen (16) feet of the center line of an alley.
  - 2. Alleys or secondary service drives serving commercial and industrial establishments are required unless other provisions for service are provided.
- Q. The paving of all cartways shall be in accordance with the Construction Manual.
  - 1. All grading must be completed and drainage facilities installed in accordance with the approved plan.
- R. Private streets shall be designed according to and controlled by Section 807 of this Ordinance.

**807 PRIVATE STREETS**

- A. No subdivisions or land development shall be approved showing a private street as the sole means of ingress or egress to lots, tracts, or parcels of land unless the private street meets the design standards set forth in this Section.
- B. No more than three (3) lots shall be permitted on any one private street. Every private street shall have a right-of-way of thirty (30) feet.
- C. Subdivision applications which propose a private street shall be accompanied by a Road Use and Right-of-Way Agreement which is subject to review and approval by the Township. This Agreement shall be recorded in the Office of the Recorder of Deeds in and for York County on

the same date as the recording of the final subdivision or land development plan. This Agreement shall contain at least the following:

1. Identification of the entity with responsibility for the private street. This entity shall be principally composed of the owners of the land which the private streets service.
  2. Provisions for enforcing the Agreement upon all parties of the Agreement.
  3. Assurance that the private street will be constructed or maintained in conformance with this Ordinance and the Township's Zoning Ordinance, and all rules, regulations, or specifications created pursuant to those Ordinances.
  4. A statement that the covenants in the Agreement shall run with the land and be binding on agents, successors, successors in title, occupants of the land, heirs and beneficiaries.
  5. A requirement that any future offer of dedication, if any, will not be made unless and until the private street is constructed to the then prevailing standards for a Township street.
  6. A requirement that an offer of dedication will include either the entire street, or sections which provide reasonable circulation within the Township's public street system.
  7. A method for assessing maintenance repair costs.
  8. A provision that so long as a private street remains private, Fawn Township shall have no responsibility or obligation for construction, maintenance, repairs and snow removal.
- D. A notation of the Agreement shall be included on the final subdivision or land development plan.
- E. The Board of Supervisors may impose such other necessary restrictions as it may deem appropriate before approving a final subdivision or land development plan showing the private street.
- F. No street names will be recognized by the Township for any such private street, nor shall any agreement entered into pursuant to this Section make reference to a specific name for any such private street.
- G. In order to obtain approval for private streets, the developer shall meet the requirements of the Fawn Township Zoning Ordinance relating to forfeiture of dwelling or development rights.
- H. No private access easement, including private streets or private driveways, shall be permitted without the authorization and approval of the Board of Supervisors.
- I. Private streets shall be constructed in accordance with the requirements set forth in the Fawn Township Construction Manual

## 808 CURBS AND SIDEWALKS

### A. Curbs

1. Where curbs required
  - a. Curbs shall be installed along both sides of any public streets which are planned or designed to be dedicated to the public in any subdivision or land development in the Residential (R) Zone which consists of lots of less than one (1) acre gross area. The Board of Supervisors shall further determine on each such plan whether curbs are necessary along existing streets within, along, or bordering such subdivision or land development.
  - b. Curbs shall be placed along both sides of all public streets in a subdivision or land development in the Commercial Industrial (CI) Zone.
  - c. Curbs shall be required in any subdivision or land development, regardless of the zoning district or lot size, if the land immediately adjacent to the subdivision or land development has existing curbs to which the curbs of the development or subdivision plan will connect.
  - d. The Board of Supervisors shall have the right to require curbs in any Zone or at any location, when, in their sole discretion, such curbs are justified for public health, safety or welfare, or are determined by the Township Engineer to be necessary for proper storm water management.
  - e. The Board of Supervisors may waive the requirement for curbs for any subdivision or land development where, in their sole discretion, they find that the developer has shown that such curbs are unnecessary or contrary to the public health, safety or welfare, or the requirement would pose a unique hardship as set forth in Section 801.A.
  - f. All references to zones or zoning districts in this subsection refer to and relate back to zoning classifications found in the Fawn Township Zoning Ordinance.
2. Any subdivision or land development plan submitted on or after the effective date of this Ordinance for which the Board of Supervisors does not require the immediate construction of curbs shall have affixed to the plan the following note:

“Upon notice by the Board of Supervisors of Fawn Township to the then current land owner of record of any lot in this subdivision or land development that sidewalks and/or curbs must be installed, the owner shall have six (6) months from the date of such notice to install said sidewalks and/or curbs at the owner’s expense. The obligation to construct sidewalks and/or curbs and the construction of such sidewalks and/or curbs shall be governed by the Fawn Township Subdivision and Land Development Ordinance and all other relevant ordinances, statutes, rules or regulations.”

3. The construction standards for curbs shall be those set forth in the Construction Manual.
4. In areas where curbs are not required, suitable gutters or swales must be installed to avoid erosion and control storm water. The design of such gutters or swales shall be subject to approval of the Township Engineer.

B. Sidewalks

1. Where sidewalks required
  - a. Sidewalks shall be installed along both sides of any public streets which are planned or designed to be dedicated to the public in any subdivision or land development in the Residential (R) Zone which consists of lots of less than one (1) acre gross area. The Supervisors shall further determine on each such plan whether sidewalks are necessary along existing streets within, along, or bordering such subdivision or land development.
  - b. Sidewalks shall be placed along both sides of all public streets in a subdivision or land development in the Commercial Industrial (CI) Zone.
  - c. Sidewalks shall be required in any subdivision or land development, regardless of the zoning district or lot size, if the land immediately adjacent to the subdivision or land development has existing sidewalks to which the sidewalks of the development or subdivision plan will connect.
  - d. The Board of Supervisors shall have the right to require sidewalks in any Zone or at any location, when, in their sole discretion, such sidewalks are justified for public health, safety, or welfare.
  - e. The Board of Supervisors may waive the requirement for sidewalks for any subdivision or land development where, in their sole discretion, they find that the developer has shown that such sidewalks are unnecessary or contrary to the public health, safety or welfare, or the requirement would pose a unique hardship as set forth in Section 801.A.2.
  - f. All references to zones or zoning districts in this subsection refer to and relate back to zoning classifications found in the Fawn Township Zoning Ordinance.
2. Any subdivision or land development plan submitted on or after the effective date of this Ordinance for which the Board of Supervisors does not require the immediate construction of sidewalks and/or curbs shall have affixed to the plan the note required in subsection A.2., above.
3. The construction standards for sidewalks shall be those set forth in the Construction Manual.
4. Whenever both curbs and sidewalks are constructed, whether constructed at the same time or at separate times, the sidewalks and curbs will be separated by a strip at least four (4) feet in width, which strip shall be planted only with grass. No other

plantings shall be permitted in the strip between the curb and the sidewalk. In the event that a sidewalk is required, but curbing is not, then a grass strip at least four (4) feet in width shall be planted between the sidewalk and the edge of any gutter or swale, or, if none, or if the gutter or swale is planted in grass, to the edge of the improved or paved portion of the roadway, which shall include any shoulder.

C. Maintenance

It shall be the responsibility of the property owner on whose property the curb and/or sidewalk is located, or, if none, whose property line immediately abuts the property on which the curb and/or sidewalk is located, to maintain the curb and/or sidewalk in proper repair. If there is a sidewalk on said property, the property owner shall also maintain the grass strip between the sidewalk and curb, or any grass strip between the sidewalk and the street line.

## 809 DRIVEWAYS

A. The placement, relocation, re-pavement, or other substantial improvement to any driveway shall require a permit to be issued by the Township, on such forms as are prescribed by the Township, and shall require the payment at the time of application for the permit of a fee in such amounts as shall be set by the Board of Supervisors by Resolution. This Section does not apply to driveways which only enter onto and exit from a private street.

B. All driveways shall be located, designed, constructed and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the highway. Specific construction criteria shall be as set forth in the Construction Manual.

C. Location

1. General Location Restrictions

a. Access driveways will be permitted at locations in which:

- (i) Sight distance is adequate to safely allow each permitted movement to be made into or out of the access driveway;
- (ii) Free movement of normal highway traffic is not impaired;
- (iii) The driveway will not create a hazard; and
- (iv) The driveway will not create an area of undue traffic congestion on the highway.

2. Specific Location Requirements

a. Access driveways shall not be located at intersections, interchanges, ramp areas or locations that would interfere with the placement and proper functioning of highway signs, signals, detectors, lighting or other devices that affect traffic control.

- b. Corner or reverse frontage lots may be restricted to only that roadway which can more safely accommodate its traffic, but such access shall be on a street having the lower classification.
  - c. The Township may require the permittee to locate an access driveway directly across from a highway, local road or access driveway on the opposite side of the roadway if it is judged that offset driveways will not permit left turns to be made safely or that access across the roadway from one access to the other will create a safety hazard.
  - d. To the extent possible, driveways shall not enter on or exit from arterial or collector streets.
- D. An access intended to serve more than three properties or to act as a connecting link between two or more roadways is, for the purpose of this chapter, considered a local road and not a driveway or private street regardless of its ownership. As such, its design must be in accordance with Section 806.
- E. Number of Driveways
- 1. The number and location of entrances which may be granted will be based on usage, interior and exterior traffic patterns and current design policy of Fawn Township.
    - a. Normally, only one driveway will be permitted for a residential property and not more than two driveways will be permitted for a non-residential property unless otherwise authorized by the Board of Supervisors.
    - b. If the property frontage exceeds six hundred (600) feet, the permit may authorize an additional driveway.
- F. Approaches to Driveways
- 1. Driveway approaches shall conform to the following standards:
    - a. The location and angle of an access driveway approach in relation to the highway intersections shall be such that a vehicle entering or leaving the driveway may do so in an orderly and safe manner and with a minimum interference to highway traffic.
    - b. Where the access driveway approach and highway pavement meet, flaring of the approach may be necessary to allow safe, easy turning of vehicular traffic.
    - c. Where the highway is curbed, driveway approaches shall be installed one and one-half inches above the adjacent highway or gutter grade to maintain proper drainage.



G. Driveway Design Requirements

1. General

- a. Plans for the driveway shall accompany the driveway permit application.

2. Angle of Approach

- a. Driveway approaches used to two-way operation shall be positioned at right angles, that is, 90 degrees, to the highway or as near thereto as site conditions permit, but not less than seventy-five (75) degrees.

3. Slope and Alignment

- a. All driveways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area or change the drainage of adjacent areas.
- b. Where a drainage ditch or swale exists, the permittee shall install pipe under the driveway. Drainage pipe installed under driveways shall be a minimum of fifteen (15) inches in diameter if compatible with field conditions and as approved by Fawn Township and the Township Engineer.
- c. The side slopes for driveway embankments within the right-of-way shall be no steeper than three (3) to one (1).
- d. Grade requirements within the right-of-way shall conform to those for public streets at intersections. See Section 806.P.5.
- e. In addition to the requirements set forth herein, all driveways shall be constructed and improved in accordance with applicable sections of the Construction Manual.

4. Driveway Size and Setbacks

- a. Residential Driveways shall be:
- (i) Unless otherwise required for specific types of uses or special circumstances by the Fawn Township Zoning Ordinance or other Township Ordinances or regulations, the minimum width of any residential driveway shall be ten (10) feet, except where a driveway services two (2) abutting lots. In such cases, the minimum width of the driveway shall be twenty (20) feet, except where the Zoning Ordinance may require a greater width for specific types of uses or special circumstances.
- (ii) The minimum distance between a residential driveway and a side or rear lot line shall be two (2) feet, except where a driveway serves two (2) abutting lots.

- (iii) In no event shall a driveway serving a single-family residence be wider than twenty-five (25) feet within the right-of-way of any township, county, or state road or street, or, where a driveway serves two (2) abutting lots, forty (40) feet.
  - b. Non-Residential Driveways
    - (i) Non-residential driveways shall be designed by the developer, and such design shall be shown on the plan, which design shall be approved by the Township.
- 5. Driveways serving properties located adjacent to a street or road intersection shall have a minimum distance between the center line of the driveway and the street right-of-way of the adjacent intersecting street of at least forty (40) feet.
- 6. Except for joint-use driveways, as and to the extent permitted by this Ordinance, no portion shall be located outside the property boundary line. This subsection shall not apply to approved access rights-of-way.
- 7. Multiple driveways serving the same property must be separated by a minimum distance of fifteen (15) feet measured along the right-of-way line and twenty (20) feet measured along the shoulder, ditch line or curb.
- 8. Curbing
  - a. The permit may require the installation of curbing wherever it is required to control access or drainage, or both. All curb must be permanent concrete curbing, subject to construction specifications in the Construction Manual.
  - b. Where that portion of the driveway abutting the right-of-way line could be used as a parking area, the permit may require curbing, permanent guardrail or fencing to be constructed along the right-of-way line in order to prohibit vehicle encroachment upon the sidewalk or shoulder area.
  - c. When curbing exists adjacent to the proposed driveway, the line and grade of the existing curb shall be matched, unless otherwise authorized by the permit.
- 9. Sight Distance
  - a. Driveways shall be located at a point within the property frontage limits which provides at least the minimum sight distance set forth in Appendix 2 attached to this Ordinance.
  - b. If sight distance requirements as specified in this Section cannot be met, the Township may:
    - (i) prohibit left turns by exiting vehicles;
    - (ii) restrict turning movements to right turns in and out of a driveway;

- (iii) require installation of a right turn acceleration lane or deceleration lane;
- (iv) require installation of a separate left turn standby lane;
- (v) alter the horizontal or vertical geometry of the roadway; or
- (vi) deny access to the highway.

10. Grade of Driveway

- a. All driveways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area or change the drainage of adjacent areas.
- b. Where a drainage ditch or swale exists, the permittee shall install adequate pipe under the driveway. Drainage pipe installed under driveways shall be at least eighteen (18) inches in diameter if compatible with field conditions and as approved by Fawn Township and the Township Engineer.

**810 PUBLIC FACILITIES, OPEN SPACE, PRESERVATION AND BEAUTIFICATION**

A. Where a proposed school, park, playground, easement or other publicly owned or operated facility is shown in the Fawn Township Comprehensive Plan, the Fawn Township Official Map, or where deemed necessary by the Township Planning Commission, the Board of Supervisors may require the reservation of such area within the subdivision or land Development. The size and location for any reservation of land shall be compatible with the Fawn Township Comprehensive Plan or prevailing standard as determined by the Township Planning Commission after consultation with the Township Engineer and/or Planning Consultant.

1. Easements

- a. Where common utility lines are located in or over undedicated land, a public easement for utilities shall be required. A minimum of six (6) feet on each side of the utility line shall be required.
- b. If a natural watercourse or drainageway abuts or runs through the proposed subdivision or land development, the developer or subdivider shall set aside as open space a strip of land on each side of such water course, twenty-five (25) feet in width (measured from the nearest edge or bank) and running the entire length of that portion of the water course which abuts or runs through the subdivision or land development. Such open space shall be in addition to any other open space required by this Ordinance. This subparagraph is intended to prohibit development in the area set aside in this subsection, and is in addition to any floodplain regulations. In the area designated within this subsection, this subsection will control over and supersede any less restrictive floodplain regulations within the area designated in this subsection. However, the area designated in this subsection can be within the designated floodplain.

B. Topsoil Preservation

1. No topsoil shall be removed from the site or used as spoil without proper approval from the Board of Supervisors. Topsoil must be removed from the areas of construction and stored separately. Upon completion of the construction, the topsoil must be redistributed on the site uniformly. All areas of the site shall be stabilized by seeding or planting on slopes of less than ten percent (10%) and shall be stabilized by sodding or other method suitable to the Board of Supervisors on slopes ten percent (10%) or greater and planted in ground cover on slopes twenty percent (20%) or greater.

C. Shade Trees

1. All subdivisions and land developments shall be provided with shade trees, at the expense of the developer or subdivider, on each lot or site in accordance with the following requirements:
  - a. There shall be planted at least one (1) tree in the front of each lot in the required front yard at least eight (8) feet from the sidewalk, but no closer than twenty (20) feet from either side lot line. On corner lots, no tree shall be planted within the street clear sight triangle.
  - b. The sizes and species of said shade trees shall be as set forth in the Construction Manual but shall be not less than one and one-half (1½) inches in caliper at a height of four and one-half (4½) feet.
  - c. No tree, required or otherwise, shall be planted in such a position that it will interfere with any air space required for solar heating devices on any adjacent lot either at the time of planting or when said tree is fully matured.

D. Landscaping

1. For all multi-family, professional office, commercial, and industrial subdivisions or land developments, the design shall include sufficient plantings of a type recommended and approved by the Township Planning Commission or the Board of Supervisors may, in their discretion, require such landscaping to be designed by a registered landscape architect or horticulturist, including open space, planting strips, screening, gardens, shade trees, natural barriers, or other types of acceptable growth.

E. Buffer Requirements

1. Buffer yard requirements should be as specified in the Fawn Township Zoning Ordinance.

## 811 RECREATION AREAS AND FEES

### A. Recreation Areas and Fees

1. The developer or subdivider of a residential subdivision or land development shall pay a fee for use by the Board of Supervisors for Township recreational purposes or, at the option of the Board of Supervisors, and upon agreement of the developer, provide a suitable and adequate recreation area, to serve the needs of the future occupants of the subdivision or land development. For purposes of this Section the term "recreation area" shall mean a contiguous tract of land reserved exclusively for active or passive recreation.
  - a. The fee shall be \$1,200.00 per lot or per dwelling unit, whichever is greater. The fee is two percent (2%) of the average dwelling price for a dwelling lot in Fawn Township, as determined by the Board of Supervisors.

### B. In the event that the recreational land is provided pursuant to this Section, then the amount and location of land required for recreational purposes shall be as follows:

1. In the event that the Board of Supervisors deem it appropriate or desirable, they can, in lieu of the fees set forth above, require the developer or subdivider to provide a suitable and adequate recreation area within the proposed subdivision or land development. If the Board of Supervisors choose that option, then the developers shall have the right to designate those lands which shall be set aside, subject to the following conditions:
  - a. Such designation shall be subject to approval by the Board of Supervisors. In the event that the Board of Supervisors deems the land so designated to be unsuitable for recreational purposes, then the developer or subdivider and the Board of Supervisors shall mutually agree on another suitable site. In the event that the parties are unable to agree on a suitable site, then the Board of Supervisors may designate a suitable site, in consultation with the Township's Planning Commission, Engineer, and Zoning Officer.
  - b. The land set aside shall be suitable to serve the purpose of active or passive recreation by reason of its size, shape, location and topography.
    - (i) In the case of a single-family subdivision, a minimum of five hundred (500) square feet per dwelling unit shall be set aside, excepting in the case of a lot containing an existing dwelling.
    - (ii) In multi-family developments, a minimum contiguous area of twenty percent (20%) of the total area excluding streets on the land being developed.
  - c. In the case of single-family subdivisions of less than three (3) lots, the Board of Supervisors shall only require payment of the fee, and shall not require the setting aside of land pursuant to this Subsection.

- d. The developer or subdivider shall satisfy the Board of Supervisors that there are adequate provisions to assure retention and all future maintenance of such recreation areas.
- e. In the event the developer or subdivider does not wish to retain the required recreational area, the Board of Supervisors may accept dedication of such area to the Township for public use. However, the selection and designation of the area to be designated shall be controlled by all the terms and conditions set forth in this Section.
- f. The Board of Supervisors may find dedication to be impractical. In that event, then the developers shall either be required to maintain the recreational areas, or to pay the fee set forth in this Section, at the option of the Board of Supervisors. Any one or more of the following reasons may cause the Board of Supervisors to find dedication to be impractical:
  - (i) Because of the size, shape, access, topography, drainage or other physical features of the land, such dedication would adversely affect the subdivision or land development and its future residents or occupants.
  - (ii) There is no open space within the proposed subdivision which is practical for dedication for use by the general public of the Township because of its size, access, topography or other physical characteristics.
  - (iii) Such other reasons articulated by the Board of Supervisors on a case-by-case basis.
- g. All fees collected hereunder shall be administered by the Township pursuant to Article XXII of the Second Class Township Code and related provisions, and Section 503(11) of the MPC, and shall be used by the Board of Supervisors or its designee, or any other recreation board established by the Board of Supervisors and authorized by the Board of Supervisors to receive such funds, for the acquisition and equipping of lands and buildings, or the erection of buildings and equipment on lands, within the township which are maintained by organizations other than the Township, upon approval by the Board of Supervisors.
  - (i) The fees obtained under this subsection shall, upon their receipt by the Township be deposited in an interest-bearing account designated for recreation purposes. Interest earned on that account shall become a fund of that account. Funds from that account shall be expended only in properly allocable portions of the cost incurred to construct specific recreation facilities for which the funds were collected. The Board of Supervisors shall have the right to designate, assign, and/or pay over any or all portions of those funds to a duly organized recreation board, or joint recreation board, as authorized in Article XXII of the Second Class Township Code.

- (ii) Unless waived by any person who paid any fee pursuant to this section, upon request of any such person, the Township shall refund such fee, plus any interest accumulated thereon from the date of payment, if the Township or its designee has failed to utilize the fee paid for the purposes set forth in this section within three (3) years from the date the fee was paid.

## **812 DESIGN STANDARDS FOR IMPROVEMENTS IN DESIGNATED FLOODPLAIN ZONES**

### **A. General Requirements**

1. Where not prohibited by this or any other laws or ordinances, land located in any designated floodplain district may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
2. Building sites for new residences or any other type of dwelling or accommodations shall not be permitted in any Floodplain Overlay Zone as designated by the Fawn Township Zoning Map except that portions of residential lots located within said districts may be utilized to meet the yard requirements of the Zoning Ordinance upon approval of the Zoning Hearing Board in accordance with the Fawn Township Zoning Ordinance. For the purpose of this subsection, building site shall mean that portion of a lot that is located outside a designated floodplain district.
3. Building sites for non-residential structures and buildings shall not be permitted in any Floodplain Overlay Zone except that non-residential lots located within said zones may be utilized to meet the yard requirements of the Fawn Township Zoning Ordinance upon approval of the Zoning Hearing Board.
4. Buildings and structures and non-structural uses which are accessory to non-residential uses may be located in Floodplain Overlay Zones provided approval for a special exception is granted by the Zoning Hearing Board in accordance with the Fawn Township Zoning Ordinance.
5. If the Township Planning Commission or Board of Supervisors determines that only a part of a proposed subdivision or land development site can be safely developed, the Board of Supervisors shall limit development to that part and shall require that development proceed consistent with this determination.
6. When the Board of Supervisors determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

### **B. General Technical Provisions**

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township, and until all required permits or approvals have

been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management, or other appropriate agency.

2. The acquisition of such permits and approvals does not abrogate the requirements and provisions of this Ordinance for review, approvals and permits.
3. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, or its successor agency, or Bureau of Community Planning, shall be notified prior to any alteration or relocation of any watercourse.
4. Within any designated floodplain area, no new construction, development, use, activity, or encroachment of any kind, shall be allowed, except where the rise in flood heights caused by the proposed development is fully offset by accompanying improvements.
5. Except for utility transmission lines, sanitary sewers, sewage pumping stations and sewage treatment plants, all new structures and buildings shall require a special exception permit.
6. The floodway area is based on the criteria that the portion of the floodplain selected must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The floodway is shown on the Flood Boundary and Floodway map accompanying the Flood Insurance Study (FIS). The areas included are specifically defined in the Floodway Data Table of the FIS itself.

C. Elevation and Floodproofing Requirements

1. No structure or any portion thereof shall be erected unless the finished surface of the ground is higher than or raised by filling, to an elevation of at least one and one-half (1.5) feet above the one hundred (100) year flood elevation.
2. The lowest floor (including basement) shall be at least one and one-half (1.5) feet above the one hundred (100) year flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
3. No first floor opening, or opening below the first floor, of any building shall be constructed at an elevation of less than one and one-half (1.5) feet above the one hundred (100) year flood elevation.
4. Any structure, or part thereof, which will not be completely or adequately elevated, shall be designed and constructed to be completely or essentially dry in accordance with the standards contained in the publication entitled "Flood-proofing Regulations" (U.S. Army Corps of Engineers, June 1972), or some other equivalent standard, for that type of construction.



D. Design and Construction Standards

1. The following standards are considered to be minimum standards for all construction proposed to be undertaken within any identified floodplain in Fawn Township.

a. Fill

(i) If fill is used it shall:

- (1) extend laterally at least fifteen (15) feet beyond the building line from all points,
- (2) consist of soil or small rock materials only. Sanitary Landfills shall not be permitted,
- (3) be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling,
- (4) be no steeper than one (1) vertical to two (2) horizontal, unless substantial data justifying steeper slopes is submitted to and approved by the Zoning Officer,
- (5) be used to the extent to which it does not adversely affect adjacent properties.

b. Excavation and Grading

(i) Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the York County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate.

c. Drainage Facilities

(i) Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and onsite waste disposal facilities.

(ii) Plans shall be subject to the approval of the Township Engineer. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

d. Streets

- (i) The finished elevation of proposed streets, either public or private, shall not be below the Regulatory Flood Elevation. The Board of Supervisors may require, where necessary, profiles and elevations of streets to determine compliance with the requirements. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

e. Sewer Facilities

- (i) All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) located in any designated floodplain district shall be floodproofed up to the Regulatory Flood Elevation.
  - (1) The Board of Supervisors shall prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics or are proposed for location in designated floodplain districts. The Board of Supervisors may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.
  - (2) The Board of Supervisors may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision and/or land development, the Board of Supervisors shall require the developer to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

f. Water Facilities

- (i) All new or replacement water facilities located in any designated floodplain district, whether public or private, shall be flood-proofed up to the Regulatory Flood Elevation. If there is an existing public water supply system on or near the subdivision, the Board of Supervisors shall require the developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

g. Other Utilities and Facilities

- (i) All other public and private utilities and facilities, such as telephone, gas and electric shall be elevated or flood-proofed up to the Regulatory Flood Elevation.

- h. Storage
  - (i) No materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, shall be stored below an elevation of two (2) feet above the one hundred (100) year flood elevation.
- i. Placement of Buildings and Structures
  - (i) All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
- j. Anchoring
  - (i) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - (ii) All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
- k. Floors Walls and Ceilings
  - (i) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
  - (ii) Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
  - (iii) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
  - (iv) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other water-resistant material.
- l. Paints and Adhesives
  - (i) Paints or other finishes used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" quality.
  - (ii) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" quality.

- (iii) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
- m. Electrical Systems and Components
  - (i) Electric water heaters, furnaces, air conditioning and ventilating systems, and other electrical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
  - (ii) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
  - (iii) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- n. Plumbing
  - (i) Water heaters, furnaces, and other mechanical equipment or apparatus shall not be located below the Regulatory Flood Elevation.
  - (ii) Water supply systems and sanitary sewage systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters.
  - (iii) All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- o. On-Site Sewage Disposal Systems
  - (i) No part of any on-site sewage disposal system shall be constructed within any identified floodplain area.
- p. Obstructions
  - (i) The following shall not be placed or caused to be placed in the flood hazard area: Fences except two wire fences; other structures or material which may impede, retard or change the direction of the flow of water, or that will catch or collect debris carried by such water, or that is placed where the natural flow of the stream or flood waters would carry the same downstream to the damage or detriment of either public or private property adjacent to the floodplain.
- q. Use of Openings in Enclosures Below a Structure's Lowest Floor
  - (i) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for

meeting this requirement must either be certified by a registered professional engineer or architect and must exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottoms of all openings shall be no higher than one (1) foot above grade.
- (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### **813 EROSION AND SEDIMENTATION CONTROL**

- A. Erosion and sedimentation shall be controlled by the Clean Streams Law (CSL) and the regulations promulgated thereunder, as administered by the Pennsylvania Department of Environmental Protection (DEP) and the York County Conservation District (YCCD), and The Fawn Township Erosion and Sedimentation Control (E & S) Ordinance.
- B. In addition to the requirements of the Township's E & S Ordinance, for any building, structure, or proposed use which will involve a change in the contour of the land, grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land, no subdivision or land development approval shall be granted until the following conditions have been met:
  1. No changes shall be made in the contour of the land, no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land, or other earth disturbance activity as defined in Title 25 of the Pa. Code, §102.1, shall be commenced until a determination has been made by the York County Conservation District, whether or to what degree an erosion and sedimentation control plan (E&S Plan) or an NPDES permit are required. To the extent that a formal E&S plan is not required by YCCD, then proposed erosion and sedimentation control measures shall be noted on the subdivision or land development plan. Additionally, every required plan shall be presented to YCCD, which shall review and approve such plan, or advise the Township that such approval is not required, prior to approval of any building or zoning permit. In the event that YCCD determines that an E&S plan is required, whether or not approval of the plan is required, then copies of the E&S plan shall be filed with the Township, and kept on the construction site. In any event, the E&S plan, or alternatively the Best Management Practices (BMP), shall be noted on the subdivision or land development plan in a manner satisfactory to the Township.
  2. The Board of Supervisors may, in their sole discretion, require an improvement bond or other acceptable security in the form of an escrow guarantee to ensure installation and completion of any improvements or erosion controls, whether permanent or temporary, required pursuant to this Section.

3. The erosion and sedimentation control plan shall be prepared by a person trained and experienced in erosion and sedimentation control methods and techniques.
  4. To the extent permitted or required by law, any changes to state statutes or regulations involving erosion and sedimentation control between the time of approval of a plan as part of the subdivision or land development plan approval process and the application by the developer for any building or zoning permits required by other Ordinances of the Township prior to any earth disturbance activity may result in the newer standards being applied and a new erosion and sedimentation control plan being filed. Therefore, nothing in this Ordinance or this Section shall be construed by a subdivider or developer as granting them any vested rights in contravention to state law or regulation.
  5. All references in this section or this Ordinance shall include any agents of or successors to YCCD, or any agency to which DEP in the future delegates enforcement of the laws and its regulations relating to erosion and sedimentation control.
- C. Design Requirements: Design standards for any E & S Plan are set forth in the Township's E & S Ordinance, and the Erosion and Sedimentation Control Manual and other appropriate DEP and YCCD regulations as referenced in the Township's E & S Ordinance or otherwise.

#### **814 STORMWATER DRAINAGE CONTROL**

Stormwater drainage and management shall be controlled by The Fawn Township Stormwater Management Ordinance which is in effect at the time of the filing with the Township of the subdivision or land development plan pursuant to Articles V and VI of this Ordinance.

## ARTICLE IX

### IMPROVEMENT STANDARDS

#### 901 GENERAL REQUIREMENTS

No final plan shall be approved by the Board of Supervisors or recorded by the York County Recorder of Deeds until final detailed design of the improvements is approved and the improvements are installed or a suitable guarantee provided by the subdivider or developer as permitted by Article X of This Ordinance.

#### 902 STREETS

##### A. General Requirements:

1. Adequate surface and subsurface drainage shall be provided.
2. All topsoil shall be removed from the area to be paved.
3. The road base shall be put down immediately after grading, within thirty (30) working days and consistent with the approved Erosion and Sediment Control Plan for the tract. An extension of time may be granted by the Board of Supervisors at the request of the developer or subdivider.
4. Where the slope of the road is five percent (5%) or more and curbs are required, the pavement shall extend from curb to curb and shall not be less than twenty-six (26) feet wide.
5. Before paving the street surface, the developer or subdivider shall install all required utilities, and, where required, stormwater drainage facilities.

##### B. Existing Streets.

1. Where a subdivision or land development abuts or is traversed by an existing street of improper construction, such as cartway width, thickness, drainage, or other features, the developer or subdivider shall improve the street in accordance with the following provisions:
  - a. If the tract has been subdivided into four (4) or less newly created lots (excluding the residual lot or tract), including any past subdivisions as well as the current subdivision, since May 16, 1998 (the effective date of Ordinance No. 1-98, when this provision was first adopted), the developer or subdivider shall improve the street along the full street frontage of newly created lots and any street frontage separating newly created lots to sufficient width, stoning and grade specifications so as to accommodate the probable volume of traffic thereon, facilitate fire protection, and provide a coordinated system of streets as determined by the Township roadmaster in consultation with the Board of Supervisors and the Township Engineer. For purposes of this

subsection B.1, street improvements shall not include the reduction or removal of the slope of banks along the edge of the road. In the event that banks along the edge of the road abutting the tract being subdivided require reduction or removal in the sole discretion of the Board of Supervisors, then, for subdivisions created pursuant to this subsection B.1.a, the developer or subdivider shall have the option of reducing or removing banks as needed, either:

- (i) along the full street frontage of the subdivision, including the residual lot or tract; or
- (ii) along the newly created lots only, and having the Township reduce or remove the banks along the remainder of the tract at such time as the Township deems appropriate. If the developer or subdivider chooses this option, then, upon completion of such bank reduction or removal by the Township, the Township shall notify the developer or subdivider in writing of the linear footage and cost of bank reduction or removal. At such time in the future as the developer or subdivider subdivides additional lots off of the tract, he or she shall reimburse the Township for a pro-rated share of the costs incurred by the Township in reducing or removing the banks. The share to be paid shall be determined by dividing the street frontage, whether public or private, of all new lots into the total length of all bank reductions or removals done by the Township along the tract. This obligation shall run with the land, and shall be binding on all successors in title to the developer or subdivider. The plan shall include a note to this effect."

b. If the tract has been subdivided into five (5) or more newly created lots, including any past subdivisions as well as the current subdivision, since May 16, 1998 (the effective date of Ordinance No. 1-98, when this provision was first adopted), the developer or subdivider shall improve all streets, including the reduction or removal of banks as determined by the Board of Supervisors in their sole discretion, on which new lots are created or access along the entire length of the subdivision, including the residual lot or tract, to sufficient width, pavement and grade specifications so as to comply with all applicable provisions contained in Articles VIII and IX of this Ordinance, and the Construction Manual.

2. Where an existing street is located at the perimeter of a subdivision or land development, improvements thereto and designation of right-of-way shall satisfy the minimum standards even if measured from the centerline of the existing street, except as modified in accordance with subsection B.1. above.
3. Specific street classifications shall be as set forth in the Fawn Township Comprehensive Plan or as otherwise demonstrated by an approved traffic study, and all improvements shall be constructed in accordance with Township specifications and requirements, except as modified in accordance with subsection B.1. above.
4. The Board of Supervisors, at their discretion, may require the payment of a fee to be placed in an escrow fund to finance the construction of all or part of the required improvements at a future date, the amount of which fee shall be determined by the



Township Engineer as being one hundred ten percent (110%) of the amount necessary to construct such improvements.

- C. Pavement Design – The pavement of all streets shall be constructed in accordance with the Construction Manual.

### **903 CURBS AND GUTTERS**

- A. All curbs shall be constructed in accordance with the Construction Manual.
- B. Paved gutters shall be provided in areas where curbs are not required.

### **904 SIDEWALKS**

Sidewalks shall be permitted in accordance with the Construction Manual.

### **905 DRIVEWAYS**

All segments of private driveways located within a street right-of-way shall be designed and constructed to meet the required standards of the street on which said driveway enters or exits. Any private driveway entering onto a state right-of-way is also required to have a State Highway Occupancy Permit.

### **906 SEWER SYSTEMS**

- A. If a public sanitary sewer system is available within one thousand (1,000) feet of the proposed subdivision, mobilehome park, or land development, the developer or subdivider shall design and install a system which shall be connected to the public system and which shall serve every property. All plans and installations shall be designed in accordance with the requirements and specifications of the authority or company providing the service and/or the Township Engineer, and shall be inspected and approved by that authority or company and/or the Township Engineer.
  - 1. As used in this Section, the terms “public sanitary sewer system” and “public system” shall mean, and be limited in their meanings to, a sanitary sewer system owned or operated by or on behalf of the Township, a duly authorized and constituted Township authority, or a duly authorized and constituted joint or other municipal authority.
- B. If connection to a public sanitary sewer system is not possible, the feasibility of constructing a separate private system and treatment works shall be investigated and a report submitted setting forth the findings.
- C. Where neither of the above alternatives are possible or feasible, the developer or subdivider shall provide for each lot, at the time improvements are erected or installed thereon, an individual sewage disposal system approved by and constructed in accordance with the

Pennsylvania Department of Environmental Protection regulations and subject to review and inspection by the Township Sewage Enforcement Officer.

- D. Percolation and soils analysis tests conducted in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection, together with any other tests required by the Department of Environmental Protection, shall be required for each lot, except lots which will be served by a public or community sanitary sewer system. Based on the results of these tests, the lot size shall be established large enough to provide for the specified minimum area required for the absorption field as prescribed by the requirements of the Department of Environmental Protection, and pursuant to Section 803.C. 6 of this Ordinance.
1. If an on-lot sewage disposal system is proposed on any lot in this Zone, and the Pennsylvania Department of Environmental Protection (DEP) requires any tests or studies, such as hydrogeologic studies, to determine the lot size necessary for a specified minimum area required for the absorption field for the on-lot sewage disposal system, then the additional area for the absorption field can be provided in any subdivision plan in either, but not in a combination of both, of the following ways:
    - a. By increasing the lot size of any lot to at least the minimum area required for the absorption field.
    - b. Alternatively, each such lot may provide an easement for any additional minimum area required for the absorption field. In the event that an easement is provided, it shall meet all of the criteria of s.203.9.e(2)(c) through (h) of the Fawn Township Zoning Ordinance.
- E. Where a public sanitary sewer system is not accessible but is planned for extension to the subdivision or land development or to within one thousand (1,000) feet of the subdivision or land development, the developer or subdivider shall install sewer lines, including lateral connections, to provide adequate service to each lot when connection with the public system is made. The sewer lines shall be capped at the limits of the subdivision, mobilehome park or land development, and the laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided. A sewer shall be considered to be planned for extension to a given area any time after engineering and related studies have been initiated preparatory to the construction of facilities within one thousand (1,000) feet of the subdivision or land development.

## **907 WATER SYSTEMS**

- A. If a public water supply system is available within one thousand (1,000) feet of the proposed subdivision or land development, the developer or subdivider shall design and install a system which shall be connected to the public system and which shall serve every property. All plans and installations shall be designed in accordance with the requirements and specifications of the authority or company providing the service and/or the Township Engineer, and shall be inspected and approved by that authority or company and/or the Township Engineer.
1. As used in this Section, the term "public water supply system" shall mean, and shall be limited in its meaning to, a water system owned or operated by or on behalf of the Township, a duly authorized and constituted Township authority, a duly authorized

and constituted joint or other municipal authority, or a public water supply company regulated by the Public Utilities Commission.

- B. If connection to a public water supply system as defined herein is not possible or feasible, in the sole judgment of the Board of Supervisors, the feasibility of constructing a separate water supply system shall be investigated and a report submitted setting forth the findings.
- C. Where neither of the above alternatives is possible or feasible, the developer or subdivider shall provide for each lot, at the time improvements are erected or installed thereon, an individual water supply system. All such individual systems shall meet all applicable Pennsylvania Department of Environmental Protection regulations.
  - 1. Every subdivision or land development plan submitted on or after September 15, 2001 shall be subject to the Fawn Township Well Ordinance, and each plan submitted on or after that date shall so indicate on a separate note on the plan.

## **908 FIRE HYDRANTS**

- A. Fire hydrants shall be provided as an integral part of any public or community water supply system.
  - 1. Fire hydrants when provided shall be located so that the distance from the nearest corner of any building to a fire hydrant is not more than six hundred (600) feet measured along the most direct path accessible by fire fighting equipment.

## **909 MONUMENTS AND MARKERS DELINEATING LOTS AND BOUNDARIES**

- A. Generally all work shall conform to Standards set forth by the American Congress of Surveying and Mapping and the following minimum standards.
  - 1. Monuments
    - a. At least two (2) monuments shall be required in every subdivision or land development, and shall be located along the same line. The preferred location for such monuments shall be along rear lot lines, and shall be located at the corners of lots, where the rear lot lines join the side lot lines (or, in the case of corner or double-frontage lots, front lot lines). In the case of subdivisions or land developments of three (3) or more lots, then no two (2) monuments shall be placed on the same lot. In every instance, at least two (2) monuments shall be in line-of-sight of each other to allow the monuments to be used together by a surveyor as joint references to establish lot lines.
    - b. In the event that lots in a subdivision or land development are not contiguous, or not in line-of-sight of each other, such as circumstances where some lots in a subdivision may be separated by a lot which constitutes residual property, and is of significant size, then monument requirements of subsection a. shall be met for each separate lot or group of lots, if strict

compliance with subsection a. would not result in the placement of such monuments being with line-of-sight of each other.

- c. In the event that monuments are placed on the street right-of-way line of any lot, and, pursuant to Section 601.A.2.a.(xi), the final plan shows the lot lines of the property bounding on a street to continue to the center line of the street, then the monuments located at these locations shall indicate the corner of the lot line and the street right-of-way, but the property lot line shall continue the additional distance necessary to take it to the center line of the abutting street. No other monuments, markers, or marks of any kind except the monument required by this subsection shall be permitted to be placed within the street right-of-way, either on the street, on any curves, or on any sidewalks. The lot lines to the center line of the street shall be shown on the plan and indicated by a note on the subdivision plan as set forth in Section 601.A.2.a.(xi) of this Ordinance.
- d. Monuments shall not be required to delineate the corners or dimensions of any portions of a tract, subdivision, or land development, which do not create separate and distinct lots, such as, but not limited to, lots in a mobile home park when all lots remain under single ownership, and are not individually owned, and common areas of condominiums or townhouses.
- e. At such other points as may be required by the Township or the Township Engineer.

## 2. Markers

- a. Markers shall be placed at locations along the lot line indicating curves or secondary angles of property lines within lots.

## 3. Monument and Marker Specifications

### a. Monuments

- (i) All monuments required by this section shall be a minimum of thirty (30) inches long, and six (6) inches square or round at the base, and, if tapered, a minimum of four (4) inches square or round at the top. All monuments shall be buried in the ground to such a depth as they shall be at least one (1) inch, but not more than two (2) inches, above the ground surface after final grade of the lot.
- (1) Every monument shall have inset in the monument a metal cap in the center marking the precise location of the property corner.

### b. Markers

- (i) All markers required by this section shall be a minimum of thirty (30) inches long, and five-eighths (5/8) inches or three-fourths (3/4) inches in diameter. All markers shall be buried in the ground to such

a depth as they shall be at least one (1) inch, but not more than two (2) inches, above the ground surface after final grade of the lot.

c. Resetting of Monuments and Markers

- (i) It shall be the responsibility of the developer and builder to reset any monument or marker if, after final grade, the monument or marker is not the proper elevation above final grade.

4. Violations

- a. It shall be a violation of this Section for any person to remove a monument or marker once it has been set, except for the purpose of replacing it. If such monument or marker is removed without being replaced, the lot or property owner shall be liable for that violation, and shall be responsible for replacing said monument or marker.

5. Prerequisite To Zoning Permit, Use and Occupancy Permit, and Certification

- a. Each monument or marker required by this section shall be placed before the issuance by the Township of any permit required by the Township, including but not limited to well, zoning, sewer, or other permits for that tract or lot, as certified by the applicant for a permit. In the event that the applicant certifies that all monuments and markers are in place, and, at the time of inspection of setbacks by the Township, the Township determines that, contrary to the certification, all monuments and markers are not in place, then the Township shall have the absolute right at that time to rescind the zoning permit until such time as all monuments or markers are in place and accurate. The Township shall rely on the certification of the applicant for the zoning permit as to the accuracy of the location of all monuments and markers, and the developer, subdivider, applicant for the zoning permit and the property lot owner shall be liable for any and all damages to any persons resulting from inaccurate placement of said monuments or markers. Neither the applicant, developer, nor owner of the tract or lot shall acquire any vested rights in the zoning permit as a result of misrepresentation or false or faulty certification on the zoning permit.
- b. No use and occupancy permit shall be issued for any building or structure until the Zoning or Codes Enforcement Officer shall certify by field inspection that all monuments and markers required by this Section are in place.

## **910 STORMWATER DRAINAGE FACILITIES**

- A. Drainage facilities shall be constructed according to the standards set forth in the most recent edition or revision to PennDOT Specifications, Form 408. The type of drainage facilities shall be approved by the Township Engineer.
- B. Storm drainage facilities shall be separate from all sanitary sewage facilities.

- C. Where existing storm sewers are reasonably accessible, and of sufficient capacity, the developer or subdivider shall connect stormwater facilities to these existing facilities.
- D. Additionally, stormwater drainage facilities shall be controlled by the Fawn Township Stormwater Management Ordinance which is in effect at the time of the filing with the Township of the subdivision or land development plan pursuant to Articles V and VI of this Ordinance.

### **911 EROSION AND SEDIMENTATION CONTROL**

The measures used to control erosion and reduce sedimentation shall as a minimum meet the erosion and sediment control standards and specifications as set forth in the Fawn Township Erosion and Sedimentation Control Ordinance and the York County Erosion and Sediment Control Manual as the Township standards and specifications. The Township Engineer, or other official as designated, shall ensure compliance with the appropriate specifications and provisions, copies of which are available at the municipal building of Fawn Township or in the York County Conservation District Office. Particular care should be taken during earthmoving activities to minimize the tracking of mud onto public streets.

### **912 UNDERGROUND UTILITY LINES**

Electric, telephone and all other utility facilities shall be installed underground. The developer shall be required to obtain a letter from the appropriate utility company confirming that the developer has entered into an agreement to provide for an underground electric and telephone system in accordance with the Pennsylvania Public Utility Commission Investigation Docket #99, as amended, or has obtained a waiver from said Pennsylvania Public Utility Commission to allow overhead electric and telephone facilities.

### **913 PETROLEUM LINES**

When any petroleum or petroleum products transmission line traverses a land development, the developer shall confer with the applicable transmission or distributing company to determine the minimum distance which shall be required between each dwelling unit and the centerline of such petroleum or petroleum products transmission line.

### **914 NATURAL GAS LINES**

The minimum distance from a natural gas line to a dwelling unit shall be as required by the applicable transmission or distributing company, or as shall be required by the applicable regulations issued by the Department of Transportation under the Natural Gas Pipe Line Safety Act of 1968, as amended, whichever is greater.

## ARTICLE X

### IMPROVEMENT AND CONSTRUCTION ASSURANCES

#### 1001. COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAN APPROVAL

- A. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as may be 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 required by this Ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the developer shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. The developer or subdivider shall not be required to provide financial security for the cost of any improvements from which security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit.
- B. When requested by the developer or subdivider, in order to facilitate financing, the Board of Supervisors shall furnish the developer or subdivider with a signed copy of a resolution indicating approval of the final plan contingent upon the developer or subdivider obtaining satisfactory financial security. The final plan or record plan shall not be signed or recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Board of Supervisors. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer or subdivider.
- C. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- D. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- E. Such bond, or other security shall provide for, and secure to, the public the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- F. Regardless of the form of the financial security, each document shall include a statement that the document of financial security is automatically renewable at its initial expiration date for an equal period as the original instrument, unless and until the institution giving the

financial security notifies the Township at least sixty (60) days prior to its expiration date that it does not intend to renew the financial security.

- G. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer or subdivider. Annually, the Township may adjust the amount of financial security 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 Township may require the developer or subdivider to post additional security in order to assure that the financial security equals said one hundred ten (110) percent.
- H. The amount of financial security shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a Professional Engineer licensed as such by the Commonwealth of Pennsylvania. The engineer shall certify the amount of security to be a fair and reasonable estimate of such cost. The Board of Supervisors, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township 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 the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.
- I. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above procedure.
- J. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- K. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release of, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon receipt of such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45)



day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

- L. Where the Board of Supervisors accepts dedication of all or some of the requirements following completion, the Board of Supervisors shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.
- M. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- N. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plan upon actual completion of the improvements depicted on the approved final plan. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

## **1002 INSPECTION DURING CONSTRUCTION**

- A. The Board of Supervisors shall authorize and direct the Township Engineer and/or Codes Enforcement Officer to cooperate with the applicant in arranging for the Engineer's or Codes Enforcement Officer's periodic presence at the site of the work and construction of the required facilities and improvements during such phases thereof as in the judgment of the Engineer or Codes Enforcement Officer will enable him or her to determine whether or not such construction is in general conformity with the Final Plan and all Township requirements.
  - 1. Notice shall be given to the Township at least forty-eight (48) hours in advance of commencement of any construction operation to provide for required inspection.
  - 2. No underground pipes, structures, subgrades, binders or base courses shall be covered until inspected and approved by the duly authorized official of the Township. Failure in compliance with this regulation shall provide cause for uncovering of such work, at the applicant's expense, to permit the required inspection.

3. In those cases where the Township Engineer or Codes Enforcement Officer deem necessary, the developer or subdivider, through his or her contractor, shall retain the services of a certified Soils Engineer to perform moisture and density testing in order to determine compaction or the extent thereof as related to the requirements of such Township construction and materials specifications as have been or may be adopted by the Board of Supervisors.
4. The wearing course on all streets proposed to be dedicated to the Township shall not be placed until at least ninety (90) percent of the lots within the development have been built upon, or upon the expressed desire of the Board of Supervisors.
5. Whenever any work or materials are found to be not in compliance with the final plan and/or applicable Township requirements, the Township Engineer or Codes Enforcement Officer or any other duly authorized Township representative, may stop work on the job until such non-compliance or variance is eliminated and any work or materials installed which are not in compliance are made to comply. It shall be unlawful to do or perform any work in violation of such stop order, except as may be necessary to prevent injury or damage to person or property. Such stop order may be revoked by the Board of Supervisors.
6. Whether or not such construction or work shall have been accomplished in accordance with Township requirements shall be determined by the Township Engineer or Codes Enforcement Officer upon the basis of his on-site inspections during such phases thereof as in his judgment will enable him to make such determination. The Engineer or Codes Enforcement Officer shall submit a written report to the Board of Supervisors in regard thereto.

### **1003 AS-BUILT PLAN**

- A. After final plan approval and upon the completion of all required improvements, the applicant shall submit an As-Built Plan prepared by a Professional Engineer or Professional Land Surveyor. Said plan shall state that the constructed improvements are in conformance with the previously approved drawings and specifications. Said plan shall also note any and all deviations from the previously approved drawings and specifications. One (1) reproducible and two (2) copies of the As-Built Plan shall be filed with the Township.
- B. The As-Built Plan shall be drawn to the same scale as the final plan, certified to by the designer of the plan, and approved by the Township Engineer. Said plan shall indicate the actual location, dimensions and/or elevations of all completed improvements, including but not limited to:
  1. Concrete monuments.
  2. The edge of the cartway and top of the curb for both sides of each street.
  3. Sanitary sewer mains, manholes and laterals.
  4. Storm sewers, inlets and culverts.

5. Water mains and fire hydrants.
6. Street lights.
7. Landscaping and screen planting.
8. Permanent sedimentation, erosion control and stormwater management structures.
9. All easements.

#### **1004 RELEASE FROM IMPROVEMENT BOND**

- A. When the developer or subdivider has completed all of the required and necessary improvements and submitted the required As-Built Plan, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copies thereof to the Township Engineer and the Codes Enforcement and Zoning Officer.
1. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer and Codes Enforcement or Zoning Officer to inspect all of the required improvements.
  2. The Township Engineer and Codes Enforcement or Zoning Officer shall, thereupon, file a report, in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer and Codes Enforcement or Zoning Officer of the authorization for inspection by the Board of Supervisors.
  3. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer and Codes Enforcement or Zoning Officer, said report shall contain a statement of reason for non-approval or rejection.
  4. The Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer and Code Enforcement or Zoning Officer's report, in writing by certified mail or registered mail, of the action of the Board with relation thereto.
  5. If the Board of Supervisors, the Township Engineer, or Codes Enforcement or Zoning Officer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released of all liability, pursuant to its performance guaranty bond or other security agreement.
  6. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same, and upon completion, the same procedure of notification as listed above shall be followed.

7. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors, the Township Engineer, or the Codes Enforcement or Zoning Officer.

## **1005 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS**

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

## **1006 FEES FOR INSPECTION OF IMPROVEMENTS**

The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by Resolution of the Board of Supervisors upon enactment of this Ordinance, or as such schedule may be amended. A copy of said fee schedule shall be available for review at the Township Office. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultants for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

## **1007 DISPUTES OVER FEES**

- A. If the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, pay the undisputed amount and notify the Township of such expenses that are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
- B. In the event that the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution as set forth below:
  1. If within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another Professional Engineer licensed as such in the Commonwealth of Pennsylvania to review such expenses and make a determination as to the amount thereof which is reasonable and necessary.

2. The Professional Engineer so appointed shall hear such evidence and review such documentation as the Professional Engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
3. In the event that the Township and the applicant cannot agree upon the Professional Engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of York County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such Engineer, who, in that case, shall be neither the Township Engineer nor any Professional Engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
4. The fee of the appointed Professional Engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the Professional Engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed Professional Engineer.



## ARTICLE XI

### ENFORCEMENT, PENALTIES, SEVERABILITY, AMENDMENTS

#### 1101 ADMINISTRATION AND ENFORCEMENT

- A. The Board of Supervisors shall have the duty and authority for the administration and general enforcement of the provisions of this Ordinance, as specified or implied herein.
- B. The Township Codes Enforcement Officer or Zoning Officer shall have the duty and responsibility of applying and enforcing this Ordinance, and of issuing any and all permits required by this Ordinance.
- C. Permits required by the Township, for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of, the land, shall not be issued by any Township official responsible for such issuance until he has ascertained that the site for such building, alteration, improvement or use is located in a subdivision approved and publicly recorded in accordance with the provisions of this Ordinance regulating the subdivision and development of land.
- D. Also, such permits shall be issued only after it has been determined that the site for such building, alteration, improvement or use conforms to the site description indicated by the approved and recorded final plan or other land description acceptable in accordance with the provisions of this Ordinance, and that it is in compliance with all applicable provisions of this Ordinance.
- E. If the zoning permit is issued erroneously or prior to proper approval, it is void.
- F. The Sewage Enforcement Officer shall require that applications for Sewage Disposal System Permits contain all the information for him to ascertain that the site for the proposed system is acceptable in accordance with the provisions of this Ordinance, the Rules and Regulations of DEP, and any requirement of the Township pertaining to the issuance of such permit.
- G. Preventive Remedies
  1. In addition to other remedies, the Township may institute and maintain appropriate actions at law or equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
  2. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. The Township's authority to deny such a permit or approval shall apply to any of the following applicants:

- a. The owner of record at the time of such violation.
  - b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. As an additional condition for the issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

## **1102 AMENDMENTS**

- A. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice. Notice shall be given as follows:
  1. Publication of the notice in a newspaper of general circulation in the Township. Said notice shall be published one (1) time each week for two (2) successive weeks. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days before the date of the hearing.
- B. In addition, in the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.
- C. In addition, at least thirty (30) days prior to the hearing on the amendment, the Township shall submit the proposed amendment to the County Planning Commission for recommendations.

## **1103 PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF ORDINANCE**

- A. Proposed subdivision and land development ordinance amendments shall not be enacted unless notice of the proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to



passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

1. A copy shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
  2. An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the county commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance.
- B. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall at least ten (10) days prior to enactment readvertise, in one newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- C. Subdivision and land development amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.
- D. Within thirty (30) days after adoption, the Township shall forward a certified copy of any amendment to the subdivision and land development ordinance to the County Planning Commission.

#### **1104 PENALTIES**

- A. Jurisdiction. District justices having territorial jurisdiction over Fawn Township shall have initial jurisdiction over proceedings brought under Section 1104.B.
- B. Enforcement Remedies.
1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of the Ordinance shall be paid over to the Township.

2. The Court of Common Pleas of York County, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Township the right to commence any action at law and/or at equity for enforcement pursuant to this Section.

### **1105 WAIVER OF CERTAIN PROVISIONS**

If in its sole discretion, either upon request of the subdivider or land developer, or otherwise, the Board of Supervisors determines that it is in the best interest of the public health, safety, or welfare, then the Board of Supervisors may waive any one or more provisions of this Ordinance. All such waivers shall be noted in the minutes of the Board of Supervisors for the meeting at which the waivers are granted, and shall be noted on the plan.

### **1106 MEDIATION OPTION**

- A. Parties to proceedings authorized in this Ordinance may utilize mediation as an aid in completing such proceedings. Mediation shall supplement, not replace, those procedures in this Ordinance once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
  1. Funding mediation.
  2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
  3. Completing mediation, including time limits for such completion.
  4. Suspending time limits otherwise authorized in this Ordinance and the Pennsylvania Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
  5. Identifying all parties and affording them the opportunity to participate.
  6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
  7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the Pennsylvania Municipalities Planning Code.

- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.



**ARTICLE XII**

**ENACTMENT; REENACTMENT;  
EFFECTIVE DATE**

**1201 ENACTMENT; REENACTMENT**

This Ordinance is intended to act as a reenactment and amendment of the previous Subdivision and Land Development Ordinance of Fawn Township. All other existing Ordinances which are inconsistent with this Ordinance are repealed to the extent of their inconsistency, and this Ordinance shall supersede all such Ordinances, except as provided in Section 108 of this Ordinance.

**1202 EFFECTIVE DATE**

This Ordinance shall become effective the 14<sup>th</sup> day of September, 2002.

ENACTED AND ORDAINED by the Board of Supervisors of Fawn Township, York County, Pennsylvania the 9<sup>th</sup> day of September, 2002.

BOARD OF SUPERVISORS

/s/ \_\_\_\_\_  
Kevin F. Clark, Chairman

/s/ \_\_\_\_\_  
Robert E. Lloyd, Supervisor

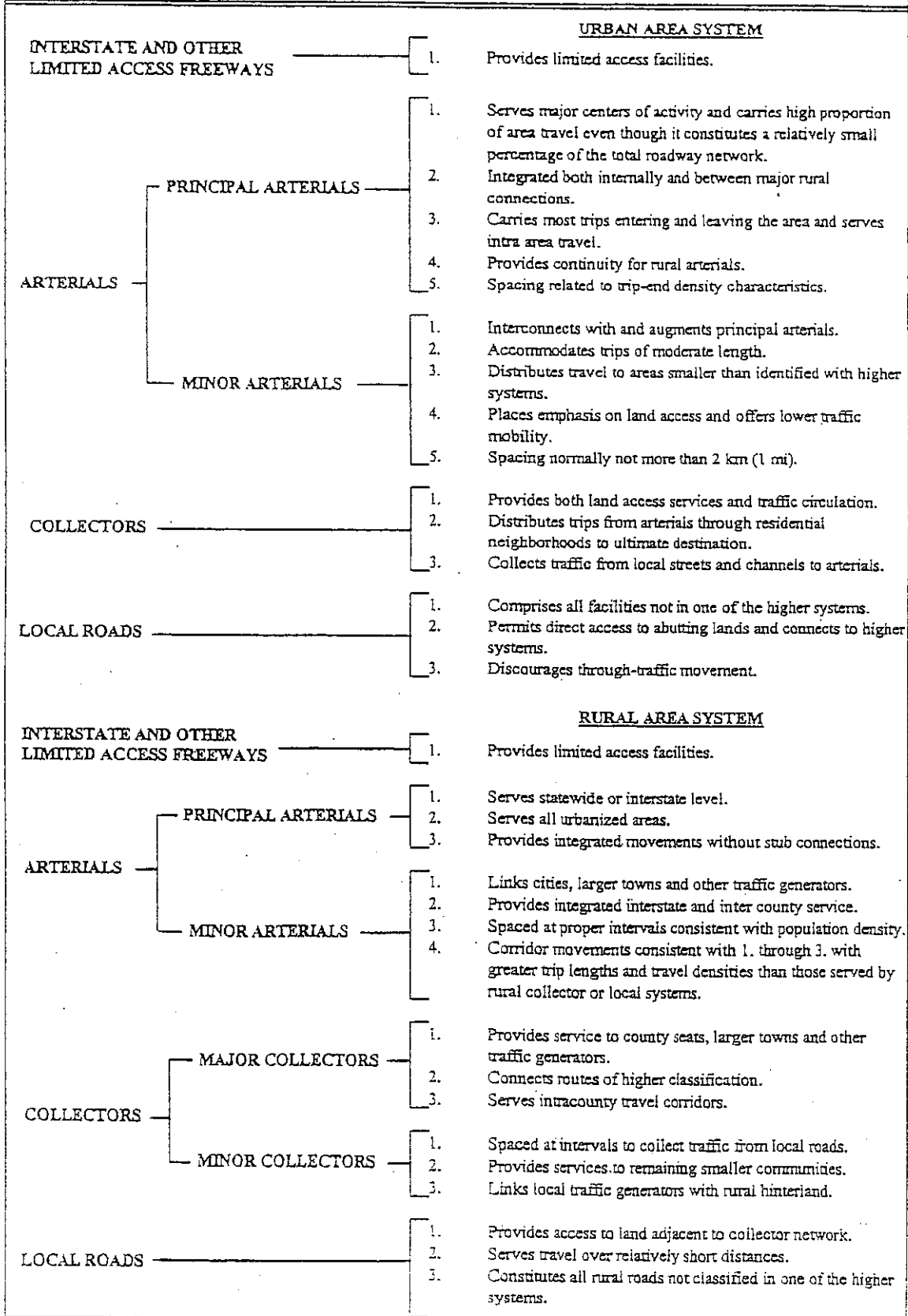
\_\_\_\_\_  
Henry M. Sommer, Supervisor

ATTEST:

/s/ \_\_\_\_\_  
Secretary

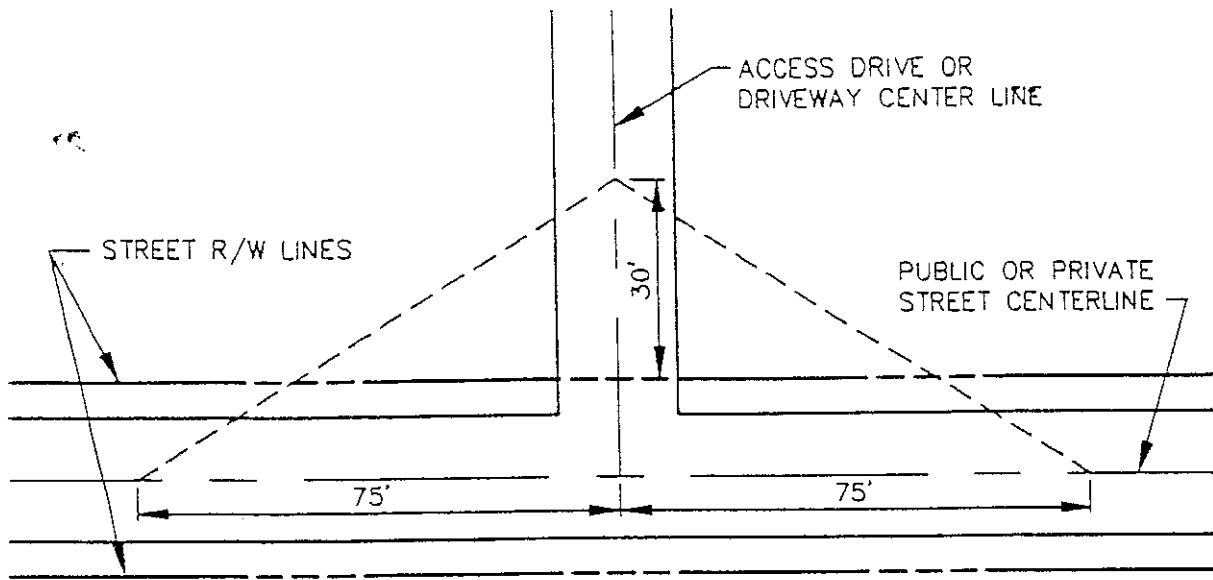


## FUNCTIONAL CLASSIFICATION SYSTEM SERVICE CHARACTERISTICS

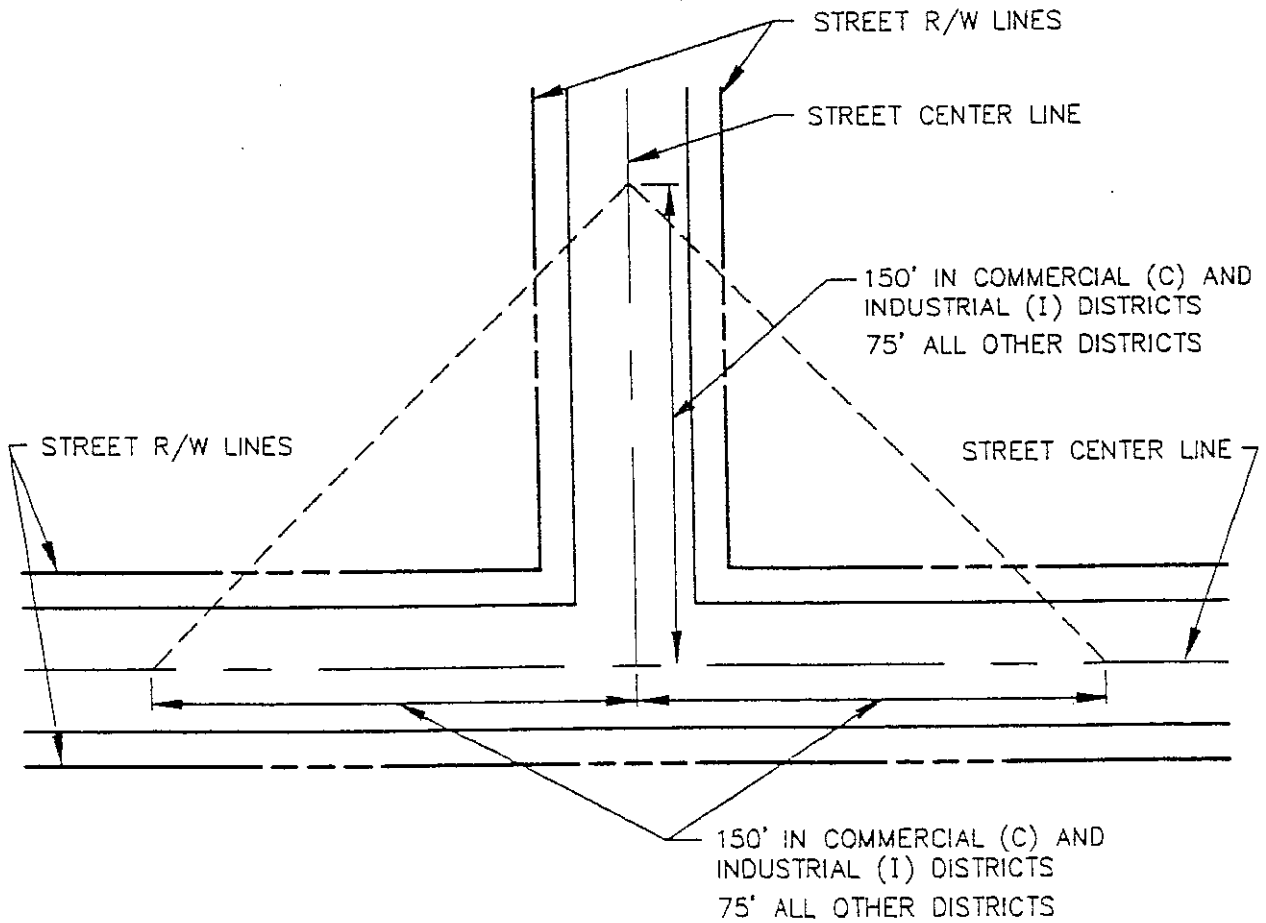








ACCESS DRIVE AND DRIVEWAY CLEAR SIGHT TRIANGLE



PUBLIC OR PRIVATE STREET CLEAR SIGHT TRIANGLE AT STREET INTERSECTION

