

## **Chapter 22**

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**Part 1****General Provisions****§22-101. Title.**

This Chapter shall be known and may be cited as the “Red Lion Borough Subdivision and Land Development Ordinance.”

*(Ord. 899-8, 9/13/1989)*

**§22-102. Purpose.**

The purpose of this Chapter is to provide for the harmonious development of the Borough by:

A. Assisting in the orderly and efficient integration of land developments within the Borough.

B. Ensuring conformance of land development plans with the Comprehensive Plan and public improvements plans.

C. Ensuring the provision of adequate public facilities including roadways, walkways, street lighting, water supply, storm and sanitary sewerage facilities, recreation sites, open spaces and other improvements for the public health, safety, and welfare of the citizens of the Borough.

D. Ensuring coordination of intermunicipal public improvement plans and programs.

E. Securing the protection of water resources and drainageways and other environmental resources.

F. Facilitating the efficient movement of traffic.

G. Securing equitable handling of all land development plans by providing uniform standards and procedures.

H. In general, promoting greater health, safety, and welfare of the citizens of the Borough.

*(Ord. 899-8, 9/13/1989)*

**§22-103. Authority and Jurisdiction.**

1. No land development of any lot, tract, or parcel of land shall be made and no street, sanitary sewer, storm sewer, 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 Chapter.

2. The authority for the control and regulation of subdivision and land development within the Borough shall be as follows:

A. *Approval by the Borough Council.* The Red Lion Borough Council, hereinafter referred to as the “Council,” shall be vested with the authority to approve or disapprove all subdivision and land development plans.

B. *Review by the Borough Planning Commission.* The Red Lion Borough

Planning Commission, hereinafter referred to as the “Planning Commission,” shall be vested with the review of subdivision and land development plans.

C. *Review by the County Planning Commission.* Plans for subdivision and land development located within Red Lion Borough shall be forwarded upon receipt by Red Lion Borough to the York County Planning Commission for review and report, together with a fee sufficient to cover the costs of the review and report. Red Lion Borough shall not approve such plans until the County report is received or until the expiration of 30 days from the date the application was forwarded to the County.

(Ord. 899-8, 9/13/1989)

**Part 2****Terminology****§22-201. Intent.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings given herein.

(Ord. 899-8, 9/13/1989)

**§22-202. Word Usage.**

1. Words used in the present tense imply also the future tense.
2. Words used in the singular imply also the plural.
3. The words “person,” “subdivider,” “landowner,” “developer,” and “applicant” include a partnership, a corporation, and an incorporated association of persons such as a club.
4. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory and directive.
5. The word “herein” means “in these regulations.”
6. The word “regulations” means “these regulations.”
7. A “building” includes a “structure”; a “building or structure” includes any part thereof; “used or occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

(Ord. 899-8, 9/13/1989)

**§22-203. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

*Access drive*—a paved surface, other than a street, which provides vehicular access from a street or a private road to a lot. [Ord. 9711-6]

*Agent*—any person, other than the subdivider, who, acting for the subdivider, submits to the Planning Commission and Borough Council subdivision or land development plans for the purpose of obtaining approval thereof.

*Applicant*—a landowner, lessee, or his authorized agent, as hereinafter defined, who has filed an application for the purpose of obtaining approval thereof.

*Application for development*—every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a land development plan.

*Appointing authority*—the Red Lion Borough Council.

*Basement*—a story partly underground but having half or more of its height above the average level of the adjoining ground.

*Base or base course*—a layer or layers of specified or selected material of planned thickness placed and compacted on a subbase to support a surface course.

*Bench mark*—a mark on a permanent object indicating elevation and serving as a reference in land surveys.

*Block*—an area bounded but not traversed by streets or other physical barriers on all sides.

*Bond*—any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Borough Council.

*Borough Council*—the Red Lion Borough Council.

*Box culvert*—a reinforced concrete drainage structure of rectangular cross section.

*Building area*—the total area taken on a horizontal plane at the mean level of the ground surrounding the principal building and all accessory buildings.

*Building coverage*—the portion of a lot which is proposed to be covered by buildings.

*Capital improvements program*—a proposed schedule of all future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds over and above the annual local government's operating expenses for the purchase, construction or replacement of the physical assets for the community are included.

*Cellar*—a story partly underground and having more than one-half of its clear height below the average level of the adjoining ground.

*Channel*—the bed where a stream of water flows.

*Cistern*—a man-made reservoir or tank used for storing rainwater.

*Clear sight triangle*—an area of unobstructed vision at street intersections defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines. Specific distances vary with road function.

*Commission*—the Red Lion Borough Planning Commission.

*Community water or sewer system*—a central system which serves all dwelling units in a given area and is not publicly owned.

*Comprehensive Plan*—the plan or parts thereof which have been adopted by the Red Lion Borough Council, showing its recommendations for such systems as parks and recreation facilities, water supply, sewerage and sewage disposal, garbage disposal, transportation highways, civic centers, and other public improvements which affect the development of the Borough.

*Conservation*—the act of preventing waste or unnecessary use of a commodity or natural resource.

*Construction plan*—the maps or drawings accompanying a land development or subdivision plat showing the specific location and design of improvements to be installed in the development or subdivision in accordance with the requirements of the Planning Commission and/or Borough Council as a condition of the approval of the plan.

*Contour line*—a line on a topographical map connecting points at like elevation.

*Corner lot*—a lot at the junction of and fronting on two streets. The front setback regulations of the zone in which the lot is located shall apply to both street frontages. However, for purposes of this definition only, a service street shall not be considered a street in determining if a lot is a corner lot (see Diagram<sup>1</sup>). [Ord. 939-9]

*Cost of improvement*—the amount which the Borough Engineer estimates that the Borough would be required to expend in order to complete the improvements proposed by a subdivider or land developer in a subdivision or land development plan. In the event that the subdivider or land developer cannot complete such improvements within the time set forth in the subdivision or land development plan or otherwise agreed upon, the Borough Engineer's estimate shall take into consideration anticipated inflation in construction costs, bid preparation costs and other costs which the Borough will incur in the event that it is required to complete the proposed improvements.

*County*—York County, Pennsylvania.

*Covenant*—a restriction placed on a deed and on subdivision or land development plans stipulating certain requirements the deed holder must meet or preventing him from using the property for certain purposes.

*Cross section*—a profile of the existing ground at right angles to the center line.

*Crosswalk*—a right-of-way, municipally or privately owned, at least 10 feet wide, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

*Crown*—the height of the center of a roadway surface above its edge.

*Culvert*—a constructed passageway or conduit to carry rainwater underground.

*Curb*—the raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

*Curblin*e— a line formed by the fact of the existing curb or in its absence the outer edge of the shoulder, along which curbing is or may be located.

*Cut*—to lower the level of the surface of the existing grade; or the vertical distance from the existing ground surface to the planned grade line at a given point.

*Dedication (real estate)*—the allocation by a landowner of a certain land area for public use or common use, such as for a street, park or parking lot.

*Deed*—a legal document conveying or indicating ownership of real property.

*Deed restrictions*—covenants or other provisions attached to deeds specifying such restraints as the type of structure that can be constructed on a lot, building lines, minimum construction cost, etc.

*Density*—the number of dwelling units per acre.

*Developer*—any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of

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<sup>1</sup>Editor's Note: Said diagram is on file in the Borough offices.

land or a land development. (The same as “subdivider.”)

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

*Double frontage lots*—a lot extending between and having frontage on two streets. The front setback regulations of the zone in which the lot is located shall apply to both street frontages. However, for purposes of this definition only, a service street shall not be considered a street in determining if a lot is a double frontage lot (see Diagram<sup>2</sup>). [Ord. 9711-6]

*Drainage easement*—permanent or limited right-of-use which substantially conforms to the existing alignment of a watercourse, stream, channel, or other drainageway.

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

*Drainage system*—a system of drain pipes, conduits, or tiles installed below earth surface to remove surface or subsurface water or sewage.

*Driveway*—a minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

*Driveway width*—the narrowest width of a driveway measured perpendicular to the center line of the driveway.

*Easement*—a limited right of use granted on private land for public use by another party or parties.

*Egress*—the right to leave a tract of land. This term is used interchangeably with “access.”

*Elevation*—a vertical distance to a point above or below a known datum line.

*Encroachment*—an authorized extension of a structure or part of it upon land owned by someone other than the owner of said structure.

*Engineer*—a professional engineer licensed as such in the Commonwealth of Pennsylvania.

*Erosion*—the wearing away of earth or rock by the elements.

*Escrow*—a deposit of cash with the local government in lieu of an amount required and still in force on a performance or maintenance bond.

*Fill*—embankment of earth or broken rock.

*Finish grade*—the top surface elevation of lawns, walks, drives, or other improved surface after completion of construction or grading operations.

*Floor area of a building*—the sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar, basement and attic floor areas not devoted to the residential use, but including the

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<sup>2</sup>Editor’s Note: Said diagram is on file in the Borough offices.

area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

*Frontage*—the horizontal or curvilinear distance along the street line upon which a lot abuts.

*Future right-of-way*:

(1) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads.

(2) A right-of-way established to provide future access to or through undeveloped land.

*Governing Body*—the Borough Council of Red Lion Borough.

*Gradient*—the slope, or rate of increase or decrease in elevation, of a surface, road or pipe, usually expressed in percent or in inches of rise or fall per horizontal linear foot.

*Grading*—all construction operations between site clearing and paving. Grading includes all excavating, hauling, spreading, and compacting operations.

*Gutter*—that portion of a right-of-way carrying surface drainage.

*Hardship*—a condition not caused by the subdivider for which he may request a modification.

*Improvements*—pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, and plantings and other items for the welfare of the property owners and the public.

*Ingress*—the right to enter a tract of land; often used interchangeably with “access.”

*Land development*:

(1) Any of the following activities:

(a) The improvement of one lot or two contiguous lots, tracts or parcels of land for any purpose involving:

1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

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

(b) A subdivision of land.

(2) The following activities are excluded from the definition of land development only when such land development involves:

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

(b) The addition of an accessory building, including farm buildings,

on a lot or lots subordinate to an existing principal building.

(c) 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 definition, 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 proper 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 he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

*Lease*—a grant of the use of lands or property for a specified period of time in consideration of the payment of a fee for such use, usually in monthly or annual rental.

*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; land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under provisions of this Chapter, having not less than the minimum area and width required by this Chapter for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for a building on such land. [Ord. 9711-6]

*Lot area*—the area contained within the property lines of an individual lot, excluding any area within a street right-of-way whether existing or future, but including the area of any easement.

*Lot coverage*—the portion of a lot which is covered by buildings.

*Lot depth*—the mean horizontal distance of a lot from the front street line to its rear lot line.

*Lot improvement*—any building, structure, place, work of art, or other object or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

*Lot line*—the lines bounding a lot as described in the recorded title; also referred to as “property lines.”

*Lot width*—the required distance between the side property lines measured along the required building setback line.

*Major land subdivision*—a land subdivision involving 11 or more lots.

*Metes and bounds*—a description of land by courses and distances.

*Minor subdivision*—a land subdivision involving 10 lots or fewer.

*Mobile home*—a transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two 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 can be used without a permanent foundation.

*Mobile home lot*—a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

*Mobile home pad*—that part of an individual mobile home lot which has been rendered for the placement of a mobile home and appurtenant structures and connections.

*Mobile home park*—a parcel of land, under single ownership, which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots.

*Modification*—the granting of an exception to these regulations which, in the opinion of the Borough, will not be detrimental to the general welfare, nullify the objectives of these regulations or conflict with the Comprehensive Plan.

*Municipality*—Red Lion Borough.

*Official Map*—a map adopted by ordinance pursuant to Article IV of the Municipalities Planning Code. (See 53 P.S. §10401 *et seq.*) [Ord.9711-6]

*Off-site*—something located outside a property line.

*Off-street parking*—parking spaces located on private property which have direct usable access to a street.

*On-lot sewage disposal system*—a septic tank, drainfield or any other approved sewage treatment device located on the same lot as the building that such device serves.

*On-site*—something located or occurring within a property line.

*Owner*—the owner of record of a lot or parcel of land.

*Parcel*—a unit of land which meets all of the following criteria:

- (1) Owned by the same owner or owners on November 18, 1988.
- (2) Obtained by its owner or owners at the same time and by the same instrument (deed, will, etc.).
- (3) Is contiguous; land shall be considered contiguous even though separated by public or private roads.

[Ord. 9711-6]

*Park*—a geographically delineated area, usually but not necessarily owned and maintained by a governing body, intended to serve the recreational or leisure-time needs of a certain population.

*Party wall*—a wall, used jointly by two parties under easement agreement, erected upon a line separating two parcels of land, each of which is a separate real estate entity.

*Performance bond*—any security in an amount and form satisfactory to the Borough Council which may be accepted in lieu of a requirement that certain improvements be made prior to final plan approval.

*Person*—any individual, firm, partnership, company, corporation, trustee, association, municipality, county, authority, Commonwealth of Pennsylvania, or any public or private entity.

*Plan*—the map of a subdivision or land development, including all supplementary data, whether sketch, preliminary, or final.

*Plan, final*—a complete and exact subdivision or land development plan, prepared as for official recording, to define property rights and proposed streets and other improvements.

*Planning Commission*—the Red Lion Borough Planning Commission (unless otherwise noted).

*Planning module*—a plan composed of the appropriate Department of Environmental Protection applications that are required when there is a change to the Official Sewage Plan of Red Lion Borough.

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

*Plan, record*—an exact copy of the approved final plan prepared for necessary signatures and recording with the York County Recorder of Deeds.

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

*Plat*—the map or plan of a subdivision or land development, whether preliminary or final.

*Profile*—a line on a drawing which shows elevation of points along a selected route. A profile usually shows both ground elevations and grade line elevations.

*Property*—a lot including all buildings and improvements thereon.

*Property line*—a recorded boundary of a lot or tract.

*Public grounds*—includes parks, playgrounds, trails, paths, and other recreational areas and public areas; sites for school, sewage treatment, refuse disposal, and other publicly owned or operated facilities; and publicly owned or operated scenic or historic sites.

*Public improvement*—any drainage sites, roadway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assure the responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

*Public notice*—notice published once each week for 2 successive weeks in a newspaper of general circulation in Red Lion Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be discussed at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

*Public use*—a use that will serve the general public, as distinguished from only

certain individuals.

*Public utility*—a private or public corporation operating under a more or less exclusive franchise, regulated by governments, to provide a certain service or product to the general public (e.g., gas, electricity, telephone, transportation.)

*Public water or sewer system*—a water supply or sewage disposal system. One which is owned and operated by a local government authority or by a local public utility company controlled by a government authority; distinguished from a community water or sewer system.

*Radius*—the distance from the center of a circle to the circumference of that circle.

*Recording*—placing a change in the ownership of real estate on public record, usually in a courthouse.

*Recreation area*—a reserved open space provided with appropriate facilities for use by occupants or residents for recreational purposes such as picnicking, games and informal outdoor gatherings.

*Red Lion Borough Official Sewage Facilities Plan*—a comprehensive plan for the provision of adequate sewage systems adopted by Red Lion Borough and submitted to and approved by the Pennsylvania Department of Environmental Protection as provided by the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, and 25 Pa.Code, Chapter 71, rules and regulations, promulgated thereunder.

*Renewable energy source*—any method, process, or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including but not limited to biomass conversion, geothermal energy, solar, and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

*Reserve strip*—a parcel of ground in separate ownership, separating a street from other adjacent properties or from another street.

*Resubdivision*—any change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line.

*Reverse frontage lot*—a lot extending between and having frontage on a minor street and either an arterial street or collector street with vehicular access solely from the minor street.

*Right-of-way*—a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

*Riprap*—stones or rocks of indiscriminate dimensions placed so as to form a foundation or wall, usually along the banks of a stream of water to prevent erosion.

*Roadway*—that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder; often referred to as “cartway.”

*Sale or lease*—any immediate or future transfer of ownership or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer of any interest in a subdivision or part thereof.

*Sanitary sewer system*—a system of piping and appurtenances whether municipally or privately owned, designed for the collection and transmission of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions to a wastewater treatment plant for treatment and discharge (not including septic tanks).

*Screen planting or buffer planting*—a vegetative material of sufficient height and density to conceal from the view of adjacent property owners the structures and uses on the premises on which the screen planting is located.

*Secretary*—the Secretary of the Red Lion Planning Commission.

*Septic tank*—a watertight receptacle which receives sewage and is designed and constructed to provide for sludge storage, sludge decomposition, and to separate solids from the liquid through a period of detention before allowing the liquid to be discharged to a subsurface absorption area.

*Service or recreational building*—a structure housing operational, office, recreational, park maintenance, and other mobile home park facilities.

*Sewage*—any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful to the public health or to animal or aquatic life or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Clean Streams Law, 35 P.S. §691.1 *et seq.*

*Sewage Enforcement Officer*—the official of Red Lion Borough who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 *et seq.*, as amended, and the rules and regulations thereunder.

*Sewer*—a system of underground pipes designed to carry sewage or surface water from one point to another.

*Sewer connection*—all pipes, fittings and appurtenances from the drain outlet of a mobile home to the inlet of the corresponding sewer riser pipe.

*Sewer riser pipe*—the portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

*Shoulder*—the graded part of a road on each side of the roadway.

*Sidewalk*—a paved walkway, constructed solely for use by pedestrians.

*Sight distance*—the length of highway visible to the driver.

*Site area*—the total area of a proposed development, regardless of interior lot lines or proposed lots, streets, or easements.

*Slope*—an inclined surface.

*Soil profile*—a profile taken longitudinally showing the surface of the ground and the approximate layers of soil and rock.

*Storm sewer*—a large pipe or small structure used to carry to an outlet, the water collected by surface drainage.

*Stormwater drainage*—runoff from the surface of land resulting from precipitation.

*Street*—a strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. “Street” includes avenue, boulevard, road, highway, freeway, parkway, land, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. Streets are further classified as follows:

(1) *Arterial street*—a street or road which is used primarily for through traffic, including all roads identified in the Borough Thoroughfare Classification Plan or Official Map<sup>3</sup> as arterial streets.

(2) *Collector street*—a street or road which carries traffic from minor streets to the major system of arterial streets, including but not limited to the principal entrance streets of a residential development and all roadways identified in the Borough Thoroughfare Classification Plan or Official Map as collector streets.

(3) *Cul-de-sac street*—a street with one end open for public vehicular and pedestrian access and the other end terminating in a vehicular turnaround.

(4) *Dead-end street*—a road or portion of a street with only one vehicular traffic outlet.

(5) *Half or partial street*—a street parallel and adjacent to a property line having a lesser right-of-way width than required for a satisfactory improvement and use of the street.

(6) *Marginal access street*—a minor street which is parallel to and adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.

(7) *Minor street*—a street which is used primarily for local access to the abutting properties and which discourages through traffic.

(8) *Service street*—a minor right-of-way which is used to provide secondary vehicular access to the rear or side of two or more properties; also referred to as a “lane” or “alley.”

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

*Street line*—a line defining the edge of a street right-of-way and separating the street from abutting property or lots; commonly known as the “street right-of-way line.”

*Subbase*—the layer of material used to provide support for the base course and to allow water to drain from beneath the pavement.

*Subdivider*—any person, firm, partnership, or corporation who subdivides land deemed as a subdivision, as defined by this Chapter, and/or said person, firm,

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<sup>3</sup>Editor’s Note: Said plan and map are on file in the Borough offices.

partnership, or corporation acting as owner or authorized agent of the landowner; same as “developer.”

*Subdivision*—the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Ord. 9711-6]

*Subgrade*—the elevation established to receive top surfacing or finishing materials.

*Substantially completed*—where, in the judgment of the engineer, at least 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.

*Surface course*—one or more layers of a pavement structure designed to take care of the traffic load; the top layer which resists skidding, traffic wear, and weathering.

*Swale*—a man-made or natural depression in grade for drainage of surface water.

*Temporary improvement*—improvements built and maintained by a subdivider during construction of a land development or subdivision and prior to release of the performance bond.

*Tract*—all contiguous land owned by the same landowner.

*Wastewater treatment facility*—a system of piping and appurtenances, whether municipally or privately owned, designed for the collection and transmission of liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions to a central wastewater treatment plant for treatment and discharge (not including septic tanks).

*Water connection*—all pipes, fittings, and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within a mobile home lot.

*Watercourse*—any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

*Water service pipe*—all pipes, fittings, valves, and appurtenances from the water main of the mobile home park distributing system to the water outlet of the distribution system within a mobile home.

*Watershed*—usually an elevated area that separates the drainage areas of rivers; also the area so drained.

*Water supply facility*—a system of piping and appurtenances whether municipally or privately owned, designed for the transmission and distribution of safe, potable water from a centralized water supply or source to residences, commercial buildings, industrial plants or institutions (not including individual on-

lot wells).

*Wearing course*—the top layer of surface course.

*Yard*—a prescribed open area on a lot, unobstructed from the ground upward except as modified in §27-301 of Chapter 27, “Zoning.” [Ord. 9711-6]

(1) *Front yard*—an area bounded by the street line of the street of address; the wall of the principal building facing the street of address (which for purposes of this Chapter shall be considered the front wall) projected to the side lot lines; and the side lot lines (one of which is also a street line in the case of corner and triple frontage lots) (see diagram<sup>4</sup>).

(2) *Rear yard*—an area bounded by the rear lot line (which is also a street line in the case of double, reverse, and triple frontage lots); the rear wall of the principal building projected to the side lot lines; and the side lot lines (one of which is also a street line in the case of triple frontage and corner lots) (see diagram<sup>5</sup>).

(3) *Side yard*—an area bounded by a side lot line (which may also be a street line in the case of triple frontage and corner lots); side wall of the principal building; and the front and rear walls of the principal building projected to the side lot lines.

(Ord. 899-8, 9/13/1989; as amended by Ord. 939-9, 9/8/1993; and by Ord. 9711-6, 11/12/1997, §185-6)

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<sup>4</sup>Editor’s Note: Said diagram is on file in the Borough offices.

<sup>5</sup>Editor’s Note: Said diagram is on file in the Borough offices.



**Part 3****Procedure****§22-301. Pre-application Consultation.**

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

*(Ord. 899-8, 9/13/1989)*

**§22-302. Submission of Sketch Plans.**

1. Prospective applicants may submit a sketch plan for review by the Planning Commission. Sketch plans, if submitted, shall include at least those items listed in §22-401.

2. Sketch plans will be considered as submitted for informal review and discussion and shall not constitute formal filing of the plan with the Borough.

3. Within 10 days of the sketch plan review and discussion, the Planning Commission must send the subdivider a report advising him of the extent to which the proposed land development conforms to the applicable provisions of this Chapter and will discuss possible plan modifications necessary to secure conformance.

*(Ord. 899-8, 9/13/1989)*

**§22-303. Submission of Preliminary and Final Plans.**

1. Applications for approval of preliminary plans and/or final plans for all proposed land developments lying within the Borough shall be filed with the Secretary or his designee at least 15 days prior to the next regularly scheduled meeting of the Planning Commission. Such submission of plans shall be accompanied by a filing fee as specified in §22-804.

2. The initial subdivision plan filed with the Borough for formal review and approval shall be considered as a preliminary plan. However, in the event that the initial plan is for a land subdivision involving 10 lots or fewer, the subdivider may request the Planning Commission to waive the requirement that a preliminary plan be submitted and approved before consideration of a final plan. If the Commission grants the waiver, the developer may proceed directly to final plan preparation in compliance with the requirements of §22-404.

3. The processing of a minor land subdivision plan shall be consistent with the procedures for processing a final plan as required in this Chapter.

4. The developer shall submit the preliminary plan and/or final plans drawn on linen, reproducible Mylar or another permanent drafting film (not including sepia prints) approved by the Borough Engineer along with eight copies, blue and black line paper prints, as well as two copies of the required supporting data. Preliminary and

final plans shall comply with the requirements of Part 4, "Plan Requirements."

5. An application for final plan approval may be for all land included in the preliminary plan approval or for a section thereof. If the final plan is to be submitted in sections, each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25 percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Borough Council.

(Ord. 899-8, 9/13/1989)

**§22-304. Referral of Plans.**

1. All plans, whether preliminary or final, shall be distributed by the Secretary to the Planning Commission for review and recommendation. The Secretary shall also transmit one copy of all plans to the York County Planning Commission as required by §22-103 of this Chapter.

2. The Secretary shall also notify the following agencies, in writing, that the plan, whether preliminary or final, has been received and will be considered at its meeting of specified date.

A. One copy of the plan and two copies of a DEP Planning Module for Land Development transmitted to the Borough Sewage Enforcement Officer for review, approval of the Borough Council if necessary, and forwarding to the local office of the Department of Environmental Protection.

B. One copy transmitted to the local office of the Soil Conservation Service of the United States Department of Agriculture for review and recommendations concerning erosion, sediment, and drainage control.

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

D. One copy transmitted to the appropriate fire company officials for their review and comments.

E. One copy of all materials transmitted to the Borough Solicitor in the case of major subdivisions.

3. The Secretary shall also retain one copy of all material for the Borough file.

(Ord. 899-8, 9/13/1989)

**§22-305. Review of Plans.**

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

A. The standards and requirements of this Chapter.

B. Any proposals contained in the Red Lion Borough Comprehensive Plan.

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

D. The availability of necessary services and facilities.

E. The requirements of any other applicable Borough ordinance.

F. The improvements, design and dedications or reservation required by this Chapter.

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

- A. Borough Engineer.
- B. York County Planning Commission.
- C. Pennsylvania Department of Environmental Protection.
- D. Borough Sewage Enforcement Officer.
- E. Soil Conservation Service of the United States Department of Agriculture.
- F. Pennsylvania Department of Transportation.
- G. Affected public utilities.
- H. Local fire company officials.
- I. Interested citizens.
- J. Borough Solicitor.

(Ord. 899-8, 9/13/1989)

**§22-306. Public Hearings.**

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

(Ord. 899-8, 9/13/1989)

**§22-307. Approval of Plans.**

1. *Plan Approval.*

A. At a scheduled public meeting the Borough Council shall render its decision on the plan, whether preliminary or final, and communicate its decision to the applicant not later than 90 days following the date of the regular meeting of the Red Lion Borough Planning Commission next following the date the application is filed, provided that should the next regular meeting occur more than 30 days following the filing of the application, said 90-day period shall be measured from the thirtieth day following the day the application has been filed.

B. Final plan approval shall not be granted until such improvements as required by this Chapter and shown on such final plan have been completed or guaranty posted as required in Part 6 and all required fees are paid.

C. The developer or representative should attend the Council and Planning Commission meetings in order to answer any questions that may arise. If there are questions and the developer or representative is not in attendance, the plan may be tabled or rejected.

2. *Notification.*

A. The decision of the Borough Council concerning plan approval, whether preliminary or final, shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.

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

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

### 3. *Effect of Ordinance Amendments.*

A. From time to time a plan, whether preliminary or final, is submitted as provided in this Chapter and while such plan is pending approval or disapproval, no change or amendment to this Chapter or other Borough ordinance or plan shall affect the decision on such plan adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Borough ordinances or plans as they stood at the time the application was duly submitted. In addition, when a preliminary plan has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary plan as hereinafter provided.

B. However, if a plan is properly and finally denied, any subsequent plan shall be subject to the intervening change in Borough regulations. When an application for approval of a plan, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in this Chapter or other Borough ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval. Where final approval is preceded by preliminary approval, the 5-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the Borough ordinances or plans as they stood at the time when the plan for such approval was duly submitted. Completion of improvements for sections of approved plans or extensions of time for the completion of required improvements shall follow the procedures as specified in §509 of the Pennsylvania Municipalities Planning Code (Act 247), 53 P.S. §10509, as amended.

(*Ord. 899-8, 9/13/1989*)

### **§22-308. Effect of Preliminary Plan Approval.**

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

2. Approval of the preliminary plan shall not constitute approval of the final plan, nor does it authorize recording of the preliminary plan or the sale of any lots or the construction of any buildings. However, such approval does authorize the developer to

proceed with the preparation of the final plan, installation, and construction of improvements subject to obtaining work permits from the Borough and/or the posting of a bond guaranty as specified in this Chapter. Before the developer may proceed with any installation of improvements prior to the final plan approval, all drawings shall be provided with the engineering detail required for final approval.

*(Ord. 899-8, 9/13/1989)*

**§22-309. Effect of Final Plan Approval.**

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

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

*(Ord. 899-8, 9/13/1989)*

**§22-310. Recording of Final Plan.**

1. Upon approval of the final plan, the developer shall within 90 days of such approval record such plan in the office of the Recorder of Deeds of York County. Within 30 days after such recording, the developer shall furnish proof of recording to the Borough Secretary. Should the developer fail to furnish proof of recording the final plan within such period, the approval of the Borough Council shall be null and void, unless an extension of time has been granted by the Borough Council upon written request.

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

*(Ord. 899-8, 9/13/1989)*

**§22-311. Resubdivision.**

For any replotting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision. Such plan however, shall be titled a "revised final plan" and the date of original plan approval as well as the plan number must be noted on the revised plan.

*(Ord. 899-8, 9/13/1989)*

**§22-312. Revisions.**

When minor changes from the accepted drawings and specifications become necessary during construction, written acceptance by the Borough Council, with the advice of the Borough Engineer, shall be secured before the execution of such.

*(Ord. 899-8, 9/13/1989)*



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

1. *General Requirements for Sketch Plan.* The sketch plan may be a freehand drawing and should be accompanied by an application for subdivision and land development approval. A sketch plan need not be drawn to exact scale nor are precise dimensions required.

2. *Sketch Plan Requirements for a Land Subdivision or a Mobile Home Park.* The sketch plan for either a land subdivision or a mobile home park shall show the following:

- A. Name and address of developer, name of municipality, title, North arrow, date, and approximate date.
- B. Existing tract boundaries.
- C. Location map showing relation of the land development to the surrounding area and community.
- D. Existing and proposed streets, easements and rights-of-way.
- E. Proposed general lot layout.
- F. Number of acres in tract, average lot size, approximate number of lots and anticipated type of development.
- G. All public reservations such as schools, parks, etc.
- H. Topography of tract or sketch showing existing drainage patterns and slope directions.

(Ord. 899-8, 9/13/1989)

**§22-402. Preliminary Plan Requirements.**

1. *General Information.* The preliminary plan shall be clearly and legibly drawn on linen, reproducible Mylar or another permanent drafting film approved by the Borough Engineer. The plan shall be prepared on one or more sheets uniformly measuring 22 inches by 36 inches. Plans involving tracts of one acre or less shall be drawn at a scale of 20 feet to the inch. Plans involving tracts in excess of 1 acre shall be drawn at a scale of either 50 feet to the inch or 100 feet to the inch.

2. *Specific Requirements.* All preliminary plans shall show the following:

A. Title block containing the name of the land development, name of the municipality, name, and address of the record owner of the property or his authorized agent, name, and address of the person or firm responsible for preparing the plan, graphic scale, written scale, the plan date, and the date(s) of all plan revisions.

B. North point indicating direction to true North.

C. A location map, at a scale of not less than 1,000 feet to the inch, showing the proposed development and adjoining areas. Such map shall show sufficient information to enable Borough officials to locate the proposed land development,

such as, but not limited to, the boundaries of the tract, any existing and proposed roads and any municipal bonds.

D. The entire existing tract boundaries with bearings and distances and existing and proposed corner and line monuments.

E. The names of owners of immediately adjacent unplatted land and the names of proposed or existing land development immediately adjacent.

F. Existing contours at vertical intervals of 2 feet or less for land with an average natural slope of 5 percent or less; at vertical intervals of 5 feet for land with average natural slope of 5 percent to 10 percent; and at vertical intervals of 10 feet for land with an average natural slope exceeding 10 percent. Contours shall be accompanied by a notation indicating the datum to which contour elevations refer.

G. Location of all existing watercourses, tree masses, rock outcrops and other significant natural features within or adjacent to the tract.

H. Location of all existing streets and also those streets that are preliminary approved or recorded but unimproved within or adjacent to the tract, including names, right-of-way width and roadway width.

I. Location of all existing buildings, sewers, water mains, culverts, petroleum lines, gas lines, electric transmission lines, fire hydrants, and other significant man-made features within or adjacent to the tract.

J. Location and width of all existing easements and rights-of-way within or adjacent to the tract. The grantee and purpose for which the easements or rights-of-way have been established must be noted.

K. Layout of proposed lots, approximate dimensions of lot lines, approximate size of each lot and proposed building setback lines.

L. Lot numbers shall be used to identify each lot. Land which has been previously subdivided shall be numbered consecutively and not contain the same lot numbers used in the prior subdivisions.

M. Location, names, roadway width, and rights-of-way width of all proposed streets and location and width of the future right-of-way required for the expansion of existing streets.

N. Typical cross sections for proposed streets showing construction materials and specifications.

O. The point of access of driveways on corner lots.

P. Clear sight triangles at each street intersection and each proposed access drive intersection with a street or another access drive.

Q. Location, width and purpose of all proposed easements and rights-of-way.

R. Location, dimensions, and purpose of areas to be dedicated or reserved for public and semipublic uses or to be reserved for common use of all property owners and/or tenants in the land development.

S. An indication of the size and general location of proposed water mains and sanitary sewers.

T. The stages, if any, to be followed in the construction of the land develop-

ment.

U. Table of site and development dates, including statements of total acreage of the entire existing tract, proposed use of the property, density, number of proposed lots, proposed minimum lot size, and linear feet of new streets proposed. If the property is proposed to be used for residential purposes, the number of proposed dwelling units shall also be listed.

V. Certification, with seal, to the effect that the survey and plan are correct by the registered professional surveyor responsible for preparing the plan.

W. A notarized statement to the effect that the applicant is or represents the owner of the land proposed to be developed and that the land development shown on the preliminary plan is made with the owner's free consent.

X. If the developer proposes to impose restrictions on future lot owners by deed restrictions or covenants, the text of such provisions shall be shown on the plan or shall accompany the plan if such text is too lengthy to place on the plan. In either event, a note shall be placed on the plan referencing such restrictions.

Y. Provision for signatures by the Borough Planning Commission, including its review of the plan (five spaces for signatures and one space for review date).

Z. Provision for signature by the Borough Engineer indicating his review of the plan (one space for Engineer's signature and one space for review date).

AA. Provision for signatures by the Borough Council indicating its approval of the plan (seven spaces for signatures and one space for review date).

3. Preliminary plan accompanying certificates and data:

A. Application for land development approval.

B. Filing fees (§22-804).

C. A DEP Planning Module for Land Development as required by the Pennsylvania Department of Environmental Protection.

D. Evidence that the Red Lion Municipal Authority has been contacted concerning water supply of the proposed development.

E. With regards to water supply, evidence that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or a municipal corporation, authority, or utility.

F. Proof of any variance of special exceptions which may have been granted.

G. Where proposed development covers only a part of the developer's entire tract, a sketch plan shall be submitted of the prospective development for the remainder of the tract. Such sketch plan shall be prepared in accordance with §22-401 of this Chapter.

H. Center-line profiles for each proposed street showing complete vertical geometry including lengths of vertical curves, grades, and center lines of intersecting streets and existing center-line grades and grading cross sections.

I. Preliminary engineering designs of any proposed bridges or culverts. These designs shall be in sufficient detail for public bid contract construction.

J. For subdivisions of five or more lots, a plan for the surface drainage of the land development. Such plan shall include stormwater runoff calculations and a

drawing of present and proposed grades and facilities for accommodating the anticipated runoff in accordance with the requirements stated in §22-516.

K. Where the land included in the proposed development plan has an electric transmission line, a gas pipeline or a petroleum or petroleum product transmission line located within the tract, the plan 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 and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement which shall contain the above data.

L. Whenever a land development plan proposed to dispose stormwater runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural watercourse, approval of the affected owners shall be obtained and submitted with the land development plan after they have reviewed the required surface drainage plan.

M. In the event that the plans propose the use of utility or other services extending from another municipality, a statement or certificate indicating that the proposal has been reviewed by the municipality.

N. A plan for the control of erosion and sedimentation as described in §22-403. Upon tracts of 5 acres or more, recommendations of the York County Conservation District must be obtained and submitted.

O. Copies of all required permits or pending applications for such permits and related documentation from the Department of Environmental Protection and any other Commonwealth agency where any alteration or relocation of a stream, watercourse or wetland is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation.

P. Other certificates or data as may be required by this Chapter or any other Borough ordinance or regulation must be submitted prior to preliminary plan approval if requested by the Borough Council.

*(Ord. 899-8, 9/13/1989)*

### **§22-403. Erosion and Sedimentation Control Plan.**

1. For all subdivision and land development, the developer shall submit a detailed plan in duplicate indicating the proposed method of controlling erosion and sedimentation. Said plan shall be prepared by an engineer licensed in the State of Pennsylvania. This plan shall be submitted in conjunction with the preliminary plan (final plan if a minor subdivision) to the Secretary.

2. The plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which may contribute to erosion and sedimentation in connection with the land development. The plan shall also contain any additional information as required by 25 Pa.Code, Chapter 102. All plans, regardless of size, shall address erosion and sedimentation control with respect to normal lot grading and building construction.

*(Ord. 899-8, 9/13/1989)*

**§22-404. Final Plan Requirements.**

1. *General Information.* The final plan shall be clearly and legibly drawn on linen, reproducible Mylar or another permanent drafting film approved by the Borough Engineer. The plan shall be prepared on one or more sheets uniformly measuring 22 inches by 36 inches. Plans involving tracts of 1 acre or less shall be drawn at a scale 20 feet to the inch. Plans involving tracts in excess of 1 acre shall be drawn at a scale of either 50 feet to the inch or 100 feet to the inch.

2. *Specific Requirements.* All final plans shall show the following:

A. Title block containing the name of the land development, name of the municipality, name, and address of the record owner of the property or his authorized agent, name, and address of the person or firm responsible for preparing the plan, written scale, graphic scale, the plan date, and the date(s) of all plan revisions.

B. North point indicating direction to true North.

C. A location map, at a scale of 1,000 feet to the inch, showing the proposed development and adjoining areas. Such map shall show sufficient information to enable Borough officials to locate the proposed land development, such as (but not limited to) the boundaries of the tract, any existing and proposed roads and any municipal boundaries.

D. The entire existing tract boundaries with bearings to the nearest minute and distances to the nearest 0.01 of a foot.

E. The names of owners of immediately adjacent unplatted land and the names of proposed or existing land developments immediately adjacent.

F. Existing significant natural or man-made features within or adjacent to the tract. Significant natural or man-made features includes watercourses, tree masses, buildings, sewer mains, water mains, culverts, gas lines, petroleum lines, electric transmission lines, etc.

G. Location, width and purpose of all existing and proposed rights-of-way and easements.

H. For all street rights-of-way and property lines, dimensions, bearings or deflection angles of all straight lines, dimensions shall be in feet and hundredths of a foot. Bearings shall be in degrees, minutes, and seconds for all street rights-of-way, access drives and property lines, radii, arcs, and central angles of all curves. The location, bearing, and length of every proposed property line shall be based upon survey data and shall be certified to the same by the surveyor responsible for the plan.

I. Lot numbers shall be used to identify each lot. Land which has been previously subdivided shall be numbered consecutively and not contain the same lot numbers used in the prior subdivisions. Lot numbers shall be in conformity with the approved preliminary plan.

J. Status of plans which involve previously subdivided land shall be titled as "Revised Final Subdivision Plan of. . ."

K. All existing streets on and adjacent to any part of the tract, including names, right-of-way width, and roadway width.

- L. The point of access of driveways on corner lots.
- M. Clear sight triangles at each street intersection and each proposed access drive intersection with a street or another access drive.
- N. Offer of dedication of land for the widening of existing streets and the location of the future right-of-way line for existing streets.
- O. Primary control points or descriptions and ties to such control points to which all dimensions, angles, bearings, and similar data on the plan refer.
- P. Location of permanent reference monuments and markers.
- Q. Certification with seal, to the effect that the survey and plan are correct, by the registered professional surveyor responsible for preparing the plan.
- R. Existing contours at vertical intervals of at least 2 feet for land with average natural slope of 5 percent or less, at vertical intervals of at least 5 feet for land with average natural slope of 5 percent to 10 percent and at vertical intervals of 10 feet for land with an average natural slope exceeding 10 percent. Contours shall be accompanied by a notation indicating the datum to which contour elevations refer. Where the final plan is preceded by an approved preliminary plan, contours will not be required.
- S. Layout of proposed lots, size of each lot, and building setback lines on all lots.
- T. Location and width of all proposed street rights-of-way and roadways and names of all proposed streets.
- U. Typical cross sections for proposed streets.
- V. Location, dimensions, and purpose of areas to be dedicated or reserved for public and semipublic uses to be reserved for common use of all property owners and/or tenants in the land development.
- W. If streets, parks or other areas or portions of them are to be dedicated to the Borough, a note stipulating that the legal means of conveyance shall be by dedication.
- X. Table of site and development date, including statements of total acreage of the entire existing tract, proposed use of the property, density, number of proposed lots, proposed minimum lot size and linear feet of new streets proposed. If the property is proposed to be used for residential purposes, the number of proposed dwelling units shall also be listed.
- Y. Location, size, and invert elevation of all proposed water mains, sanitary sewers and storm sewers, and the location of all manholes, inlets, and culverts.
- Z. A notarized statement to the effect that the applicant is or represents the owner of the land proposed to be developed and that the land development shown on the final plan is made with his or their free consent and that it is desired to record the same.
- AA. If the developer proposes to impose restrictions on future lot owners by deed restrictions or covenants, the text of such provisions shall be shown on the plan or shall accompany the plan if such text is too lengthy to place on the plan. In either case, a note shall be placed on the plan referencing such restrictions.
- BB. Provision for signature by the Borough Engineer indicating his review of

the plan (one space for Engineer's signature and one space for review date).

CC. Provision for signatures by the Borough Planning Commission indicating its review of the plan (five spaces for signatures and one space for review date).

DD. Provisions for signatures by the Borough Council indicating its approval of the plan (seven spaces for signatures and one space for review date).

EE. Provisions for proof that the York County Planning Commission has reviewed the plan or that 30 days have transpired as noted in §22-103.2.C of this Chapter.

3. *Final Plan Requirements for a Mobile Home Park.* In addition to the requirements of subsection .1, the final plan for a mobile home park shall show the following:

A. Location and dimensions and purpose of areas to be reserved for the common use of the residents of the mobile home park. If a common parking compound is proposed, the location, arrangement, and dimensions of parking spaces, width of aisles, width of bays and angle of parking shall be shown.

B. Location and dimensions of pedestrian walks.

C. Location and general exterior dimensions of all proposed service, accessory and office buildings.

D. Location and dimensions of screens, buffers, and common landscaped areas.

E. Table of site and development data, including the total acreage of the tract, density, number of proposed lots, number of proposed mobile homes, minimum lot size, linear feet of proposed streets and number of proposed off-street parking spaces.

4. Final plan requirements for a land development other than a land subdivision or a mobile home park. In addition to the requirements of subsection .1, the final plan for a land development involving either multifamily dwellings or commercial, industrial or other nonresidential uses shall show the following:

A. Location and general exterior dimensions of principal and accessory buildings.

B. Location and dimensions of vehicular entrances, exits, access drives, access barriers, acceleration, and deceleration lanes.

C. Location, arrangement, and dimensions of parking spaces, width of aisles, width of bays and angle of parking.

D. Location and dimensions of pedestrian entrances, exits, and walks.

E. Location, arrangement, and dimensions of truck loading and unloading spaces and docks.

F. Location, dimensions, and materials of walls, fences, buffers, screen plantings, and landscaped areas.

G. Location and dimensions of unenclosed storage areas and screening if applicable.

H. Location, size, height, and orientation of all signs other than signs attached flush to building facades.

- I. Location and dimensions of all other proposed facilities and structures.
  - J. Finished grades, slopes, and banks.
  - K. The stages, if any, to be followed in the construction of the land development.
5. Final plan accompanying certificates and data. The final plan shall be accompanied by the following:
- A. Application for land development approval.
  - B. Filing fee and recording fee (§22-804).
  - C. Proof of any variances or special exceptions which may have been granted.
  - D. Profiles for all proposed streets. Such profiles shall show the existing (natural) and proposed grades along the center line of the proposed street and the length of all proposed vertical curves.
  - E. Horizontal and vertical alignment for each proposed sanitary sewer, storm sewer, and water distribution system. Information on manhole locations and size and type of material shall be provided, and drainage calculations shall be submitted. Storm sewer plan and profile (if proposed) and sanitary sewer plan and profile (if proposed) shall also be submitted.
  - F. Where the land included in the proposed development plan has an electric transmission line, a gas pipeline, a water transmission line or a petroleum or petroleum product transmission line located within the tract, the plan shall be accompanied by a letter from the owner or the lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement which shall contain the above data.
  - G. Whenever a land development plan proposes to dispose of stormwater runoff onto an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural watercourse, a letter from the affected property owners stating their approval of the proposal after they have reviewed the required surface drainage plan.
  - H. Certification from the Borough Engineer that the developer has installed all improvements to the specifications of this Chapter and any conditions attached by the Borough Council or certification from the Borough Solicitor that the developer has posted an improvement bond or other accepted security in an amount sufficient to assure completion of all improvements.
  - I. An approved DEP Planning Module for Land Development as required by the Pennsylvania Department of Environmental Protection.
  - J. Approval from the Water Authority that adequate water supply is available to service the subdivision or land development.
  - K. With regards to water supply, evidence that the subdivision or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility.
  - L. In the event that the plan proposes the use of utilities or other services from another municipality, a statement or certificate indicating that the proposal has been reviewed and approved by the municipality or authority concerned.

M. A plan for the control of erosion and sedimentation as described in §22-403. Upon tracts of 5 acres or more, a letter of approval from the York County Conservation District indicating concurrence with the proposed method of controlling sedimentation and erosion must be submitted.

N. Final engineering designs of any proposed bridges or culverts.

O. For subdivisions of five or more lots, a plan for the surface drainage of the land development. Such plan shall include stormwater runoff calculations and a drawing of present and proposed grades and facilities for accommodating the anticipated runoff in accordance with the requirements stated in §22-516. Where the final plan is preceded by an approved preliminary plan accompanied by this surface drainage information, it need not accompany the final plan.

P. Copies of all required permits or pending applications for such permits and related documentation from the Department of Environmental Protection and any other agency where any alteration or relocation of a stream, watercourse, or wetland is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation.

Q. Offers of dedication and/or reservation of land for public purposes.

R. An agreement that the applicant will install all underground utilities (if required) before paving streets and/or constructing sidewalks.

S. A maintenance guaranty of all improvements, if required, in accordance with §22-608.

T. If a final plan for a land development other than a major land subdivision covers only a part of the developer's entire tract, a sketch plan shall be submitted of the prospective development for the remainder of the tract. Such sketch plan shall be prepared in accordance with §22-401 of this Chapter. However, if the final plan is for a minor land subdivision, this requirement shall be waived if the developer certifies that the final plan constitutes the entire extent of his development intentions.

U. Other certificates or data as may be required by this Chapter, any other Borough ordinance or regulations or such certificate or data as may be required by the Borough Council upon the recommendations of review agencies must be submitted prior to final plan approval if requested by the Borough Council.

V. As-built drawings for all improvements shall be required before final plan approval or before release from the improvement bond.

*(Ord. 899-8, 9/13/1989)*



**Part 5****Design Standards****§22-501. Application of Standards.**

1. The following subdivision and land development principles, standards, and requirements will be applied by the Borough in evaluating plans for proposed land development.

2. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, and general welfare.

*(Ord. 899-8, 9/13/1989)*

**§22-502. Location of Site.**

All land subdivision plans must reflect a location which has given consideration to the following factors:

A. The location of the land development must conform to the Borough comprehensive plan, if any, with respect to streets, public sites, and proposed utilities.

B. Land shall be subdivided or developed only in conformance with all other ordinances and regulations in effect in the Borough.

C. Land subject to hazards of life, health, or property as may arise from fire, floods, disease, excessive noise, falling aircraft, or considered uninhabitable for other reasons may not be developed unless the hazards have been removed or the plans show adequate safeguards against them.

D. A land development must be coordinated with existing land development in the neighborhood so that the entire area may be developed harmoniously.

E. Subdivision or land developments shall be designated to avoid the necessity for excessive cut or fill.

F. All portions of a tract being subdivided or developed shall be taken up in lots, streets, public lands, or other proposed uses so that remnants and landlocked areas are not created.

*(Ord. 899-8, 9/13/1989)*

**§22-503. General Design Standards for Sites.**

1. In all subdivisions, every step should be taken to preserve all natural and historic features which will add attractiveness and value to the remainder of the property being subdivided. Some of these features are large trees or groves of trees, watercourses, historic areas and structures, exceptional views and similar community assets.

2. In subdivisions where woods or scattered trees occur in areas to be developed, a grading plan may be required if the trees are of such nature and quality that the Borough judges them to be deserving of preservation. The grading plan must show:

A. Accurate location of individual significant trees.

B. Accurate existing and proposed ground elevation in relation to these trees. Tree guards during construction and grading as well as limitation of cuts and fills, both temporary and permanent, near the trees may be required as necessary to give reasonable assurance of their continued healthy growth.

(Ord. 899-8, 9/13/1989)

**§22-504. Street Systems.**

All streets, public and private, proposing to be constructed within the Borough shall conform to the following general design requirements:

A. Proposed streets shall be planned with regard to the existing street system, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future development extensions of the street system.

B. Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets shall provide for continuation of existing or platted streets and for proper access to adjoining undeveloped tracts suitable for future development.

C. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.

D. The streets must be properly located and built with regard to the proposed traffic functions, including the minimization of through traffic on minor streets and the protection of major street capacities from excessive marginal access.

E. The arrangement, character, extent, width, grade, and location of all streets and highways must conform to any applicable Borough Comprehensive Plan or Official Map.

(Ord. 899-8, 9/13/1989)

**§22-505. Subdivisions Abutting Arterials.**

Where a subdivision abuts or contains an existing or proposed arterial, the Borough may require the following treatment:

A. Marginal access streets: access streets between arterial streets and abutting properties.

B. Reverse frontage: deep lot fronting on a minor street which backs, without access, onto an arterial and which is screened from the arterial by a fence or wall and plantings.

C. Rear service drive: deep lot with additional building setback and vehicular service drive in the rear.

D. Such other treatment as may be necessary for protection of residential properties and protection of the capacity of arterial streets from excessive marginal access.

(Ord. 899-8, 9/13/1989)

**§22-506. Street Design.**

1. *Width.* Minimum widths for all streets shall be as follows:

Classification	Minimum Right-of-Way Width	Minimum Roadway Width
Arterial or limited access street	As determined after consultation with the York County Planning Commission and the Pennsylvania Department of Transportation.	
Collector street	60 feet	36 feet
Minor street	50 feet	32 feet
Half or partial street	50 feet	32 feet
Permanent cul-de-sac street	50 feet	32 feet
Marginal access street	33 to 50 feet	26 feet
Service drive (lane or alley)	22 feet	22 feet

2. *Exceptions to Width Requirements.* Provisions for additional right-of-way and roadway width may be required when determined to be necessary for the public health, safety, and convenience. Conversely, at the discretion of the Borough Council, right-of-way and roadway width may be reduced in instances where existing development and/or street conditions warrant.

3. *Existing Frontage along a Street of Improper Right-of-way Width.* In the case of a plan for a land development fronting on an existing public road of improper right-of-way width, the developer shall provide any required dedication of land for widening the existing right-of-way to meet the minimum right-of-way standard as specified in subsection .1. The right-of-way to be dedicated must be measured from the center line of the existing roadway. Where uncertainty exists as to the road classification, it shall be as specified in the Borough Thoroughfare Classification Plan.

4. *Existing Frontage along a Street.* In the case of a plan for a land development fronting on an existing public road, the Borough shall require the developer to improve the roadway to meet the minimum roadway standard as specified in subsection .1. This shall include shoulders, embankments, gutters, berms, and/or curbing. The Borough Council, in lieu of requiring such improvements at the time of subdivision, shall require the payment of a fee to be placed in an escrow fund to finance their construction at a future date. Where uncertainty exists as to the road classification, it shall be as specified in the Borough Thoroughfare Classification Plan.

5. Dead-end streets shall be 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 approved by the Borough and indicated on the plans. Also, they must be constructed to the same standards as permanent culs-de-sac, minus the curbing requirements at the terminus of the cul-de-sac. The turnaround is to be removed by the developer extending the existing street.

6. *Cul-de-sac Streets.*

A. Cul-de-sac streets should in general not exceed 500 feet in length unless topographic conditions and/or tract shape warrant an increase that is approved by

the Borough. They must be provided with a paved turnaround with a minimum diameter of 80 feet to the outside curb and 100 feet to the legal right-of-way.

B. The length of a cul-de-sac street shall be measured from the center of the turnaround to the point of intersection of the center line of the cul-de-sac street and the right-of-way line of the intersecting street.

7. *Half or Partial Streets.*

A. New half or partial streets will not be permitted, except where essential to provide reasonable access to a subdivision of a tract in conformance with the other requirements and standards of this Chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained.

B. Whenever there is an existing half street adjacent to a tract to be developed, then the other half of the street shall be platted and dedicated within such tract unless otherwise determined by Borough Council.

8. Private streets shall be permitted only when such private streets conform to the specifications and requirements of minor streets as specified in this Chapter.

9. *Horizontal Curves.*

A. Where connecting street lines deflect from each other at any one point by more than one degree connected with a true, circular curve, the minimum radius of the center line for the curve must be as follows:

Type of Street	Minimum Radius
Arterial	500 feet
Collector	300 feet
Minor	200 feet

B. Straight portions of the street must be tangent to the beginning or end of curbs. 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 Borough and the Pennsylvania Department of Transportation.

10. *Vertical Curves.*

A. Changes in grade in excess of 1 percent shall be joined by vertical curves. Vertical curves shall be provided to permit the following minimum sight distances:

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

B. Sight distance shall be measured along the center line, from height of eye 3.5 feet to height of object on roadway 0.5 feet.

11. *Grades.*

A. The center-line grades of streets must meet the following requirements:

	Minimum Grade	Maximum Grade
Arterial streets	1%	4%
Collector streets	1%	7%
Minor streets	1%	12%
Cul-de-sac streets	1%	12%
Service street	1%	14%
Marginal access street	1%	12%

B. The grade within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall not exceed 5 percent.

12. *Crown.* The slopes of the crown on residential service and neighborhood collector streets shall be at least ¼ inch per foot but not more than ⅜ inch per foot as directed by the Borough Engineer. This applies only to straight sections of road. Where a curve is banked to reduce lateral vehicular acceleration as required by the design speed of the road, the crown requirement is eliminated.

13. *Slope of Banks.*

A. Slope of banks measured perpendicular to the street center line may not exceed:

- (1) Three (horizontal) to 1 (vertical) for fills.
- (2) Two (horizontal) to 1 (vertical) for cuts.

B. Such slopes shall be suitably planted with perennial grasses or other vegetation to prevent erosion.

(Ord. 899-8, 9/13/1989)

**§22-507. Intersection Design.**

1. *Angle of Intersections.* Intersections must be as nearly at right angles as possible. However, in no case should they deviate from the standards below.

Type of Intersection	Angle of Intersection of Street Center Lines
Arterial with arterial	90°
Arterial with collector	75° to 105°
Collector with collector	75° to 105°
Collector with minor	75° to 105°
Minor with minor	75° to 105°

2. *Intersection Grades.* Intersections must be approached on all sides by level areas. Where the grade exceeds 7 percent, these level areas must have a minimum length of 50 feet (measured from the intersection of the center lines) within which no grade may exceed a minimum of 4 percent.

3. *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; however, curb or edge of pavement radii must not be less than the following:

Type of Intersection	Minimum Simple Curve Radii of curb or Edge of Pavement
Arterial with arterial	40 feet or more, as determined after consultation with Pennsylvania Department of Transportation
Arterial with collector and minor	35 feet
Collector with collector	30 feet
Collector with minor street	25 feet
Minor street with minor street	15 feet

B. Three-centered compound curves equivalent to the above minimum simple curves are permitted and encouraged where applicable.

C. Radius corners of diagonal cutoffs must be provided on the property lines substantially concentric with or parallel to the chord of the curb radius corners.

4. *Intersection Sight Distance; Clear Sight Triangles.*

A. Proper sight clearance must be maintained at all street intersections. Measured along the center line of the street, there shall be a clear sight triangle with sides as follows:

Type of Street	Clear Sight Triangle Side
Arterial	150 feet
Collector	75 feet
Minor	75 feet

B. No obstructions or plantings higher than 3 feet shall be permitted within such triangles.

5. Distance between intersections shall be in accordance with the following:

Type of Intersection	Minimum Distance Between Center Lines of Intersections	Minimum Separation of Center Lines for Streets Not in Alignment
Arterial with arterial	800 feet	Must be in alignment with planned or proposed streets entering from opposite side
Arterial with collector and minor	800 feet	
Collector with collector	500 feet	
Collector with minor	500 feet	125 feet
Minor with minor	500 feet	125 feet

6. *Multiple Intersections.* Intersections involving the junction of more than two streets shall not be permitted.

(Ord. 899-8, 9/13/1989)

**§22-508. Street Construction.**

1. Streets must be surfaced and paved to the grades and dimensions drawn on plans, profiles, and cross sections submitted by the applicant and approved by the Borough. Before paving the street surface, the applicant must install required utilities, including sanitary sewers, and provide, where necessary, adequate subsurface drainage for the streets, as acceptable to the Borough. The pavement base and wearing surface must be constructed according to the following specifications:

A. *Minor Streets.* The base course and surface course shall be constructed according to the specifications as set forth in the Red Lion Construction and Materials Specifications for Land Development.<sup>6</sup>

B. *Collector Streets.* The base course and surface shall be constructed according to the specifications as set forth in the Red Lion Construction and Materials Specifications for Land Development.

2. If site conditions warrant, the Borough Council and the Borough Engineer may consider a substitution.

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

(Ord. 899-8, 9/13/1989)

**§22-509. Curbs.**

Vertical type concrete curbs must be installed in all subdivisions and land developments except where existing concrete curb are present. Curbs shall be constructed according to the specifications set forth in the Red Lion Construction and Materials Specifications for Land Development.<sup>7</sup>

(Ord. 899-8, 9/13/1989)

**§22-510. Sidewalks.**

1. *Where Required.* In subdivisions where semidetached and attached structures are planned and in subdivisions which have a typical lot width at the building setback line of 80 feet or less, sidewalks must be installed on both sides of the street except on streets which bound the subdivision. Sidewalks may also be required:

A. In subdivisions where lots are greater than 80 and the character of the neighborhood is such that they are considered necessary.

B. If it would be desirable to continue sidewalks that are existing in adjoining municipalities.

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<sup>6</sup>Editor's Note: Said specifications are on file in the Borough offices.

<sup>7</sup>Editor's Note: Said specifications are on file in the Borough offices.

C. To provide access to community facilities such as schools, shopping areas, and recreation areas.

2. *Location.* The sidewalk must commence at the curblin and extend toward the right-of-way line. In cases where the Red Lion Sidewalk Committee requires a grass strip, the sidewalk shall commence at the edge of the required grass strip and extend toward the right-of-way line. [Ord. 906-4]

3. *Width.* Sidewalk must conform to widths established in Chapter 21, Streets and Sidewalks, Part 4, Sidewalks, Driveways, and Curbs. [Ord. 906-4]

4. *Construction.* The sidewalk must be constructed according to specifications set forth in the Red Lion Construction and Materials Specifications for Land Development.<sup>8</sup> (Ord. 899-8, 9/13/1989; as amended by Ord. 906-4, 6/13/1990)

### §22-511. Other Street Provisions

1. *Service Streets.* Service streets are prohibited in land developments unless the developer can prove the need for such streets, and provided that they are not the primary means of access to abutting properties.

2. *Dead-end Service Drives.* Where service drives dead end, they must be provided with a paved turnaround with a minimum diameter of 40 feet or a paved Y-turnaround of sufficient size for the vehicles which will use such drives.

3. *Access.* Streets shall be laid out to provide access to all lots and to adjacent undeveloped areas, and the developer shall improve these streets to the limits of the development.

4. *Reserve Strips.* Controlling access to the development or to adjacent areas by means of reserve strips is prohibited except when their control is placed in the jurisdiction of the Borough under conditions approved by the Borough Council.

5. *Street Names.* No street names shall be used which will duplicate or be confused with the name of an existing street or approximate such names by the use of suffices such as "lane," "street," "way," "drive," "court," "avenue," etc. New streets shall bear the same name of the existing or platted street of which they are a continuation or with which they are in alignment. Street names must be approved by the Borough Planning Commission.

6. *Street Name Signs.* The land development or subdivision shall be provided with street name signs at all street intersections. Street name signs shall be furnished and installed by the Borough after adoption of the street. The costs of furnishing and installing street name signs will be borne by the developer as part of the improvements costs.

7. *Street Trees.* For safety, convenience and the attractiveness of the subdivision or land development, the Borough may require street trees. Planting of street trees, whether required by the Borough or proposed by the developer, must conform to Chapter 25, Trees.

8. *Streetlights.*

A. For the safety, convenience and attractiveness of the development, on-site

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<sup>8</sup>Editor's Note: Said specifications are on file in the Borough offices.

or public streetlights shall be installed unless conditions require otherwise.

B. Where electric service is supplied by underground methods and prior to the installation of streets, curbs, sidewalks, and driveways, the subdivider shall provide and install conduits where necessary to accommodate the installation of a streetlighting system. Installation and location of conduits will comply with the specifications of the appropriate public utility.

(Ord. 899-8, 9/13/1989)

**§22-512. Driveways and Access Drives.**

1. *Driveways.* Driveways shall have the following characteristics:

A. Within 10 feet of a street right-of-way line, a driveway may not exceed 35 feet in width or be less than 10 feet in width.

B. On a street frontage, the number of driveways intersecting with the street may not exceed two per lot or tract unless circumstances warrant an additional access point. Additional access points shall not be permitted unless approved by the Borough Engineer.

C. A driveway may not cross a street right-of-way line:

(1) Within 40 feet of the right-of-way line of an intersecting street.

(2) Within 5 feet of a fire hydrant.

(3) Within 50 feet of another driveway on the same property.

D. The minimum angle between the center line of the driveway and the street shall be not less than 65 degrees.

E. A driveway must be located in safe relationship to sight distance and barriers to vision. The driveway may not exceed a slope of 10 percent within 25 feet of the street right-of-way line.

F. Where a driveway enters a bank through a cut, the shoulders of the cut may not exceed 50 percent in slope within 25 feet of the point the drive intersects the street right-of-way. The height of the bank must not exceed 3 feet within 10 feet of the street right-of-way line. Cuts for a driveway at curbs must not have more than a 10 percent slope across walks.

G. Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.

2. *Access Drives.* Access drives shall have the following characteristics:

A. On a street frontage, the number of access drives intersecting with the street may not exceed one per lot or tract unless circumstances warrant an additional access point. Additional access points shall not be permitted unless approved by the Borough.

B. Where access from an arterial or collector street may be necessary for several adjoining lots, the Borough may require that such lots be served by one or more combined access drives in order to limit possible traffic hazards on such streets.

C. Access drives shall be located so as to provide reasonable sight distance at intersections with streets.

D. Access drives shall have a 24-foot right-of-way. The minimum pavement width for access drives shall be 24 feet (two 12-foot traffic lanes).

E. The horizontal and vertical alignments of access drives shall conform to the specifications for minor streets as stated in §§22-506.9 and §22-506.10, respectively.

F. The intersection of an access drive with a street or with another access drive shall conform to the specifications for collector streets as stated in §22-507.1, .2, .3, and .4.

G. At its intersection with a street, no part of any access drive shall be nearer than 100 feet to the intersection of any two street right-of-way lines.

H. All access drives shall be paved with concrete or bituminous paving material or with a material suitable to the Borough Council.

(Ord. 899-8, 9/13/1989)

**§22-513. Blocks.**

1. The length, width and shape of blocks shall be determined with due regard to the following:

- A. Provision of adequate sites for type of buildings proposed.
- B. Zoning requirements, if any.
- C. Topography.
- D. Requirements for safe and convenient vehicular and pedestrian circulation.

2. So far as practical, blocks shall have a maximum length of 1,600 feet and a minimum length of 500 feet. In the design of blocks longer than 1,100 feet, special consideration shall be given to the requirements of satisfactory fire protection.

3. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering a major traffic street are used.

4. Crosswalks or pedestrian interior walkways may be required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a width of not less than 10 feet and a paved walk surface of not less than 4 feet.

5. In commercial and industrial areas, the block layout shall be designed with reference to service of the public and with provisions for adequate off-street parking and loading facilities.

(Ord. 899-8, 9/13/1989)

**§22-514. Lots and Lot Sizes.**

1. *Lot Layout.* All lots shall conform to the following requirements:

A. All lots shall front on a dedicated public street (existing or proposed) or a private street improved to public standards. Lots fronting upon unimproved private streets or not fronting upon a street shall not be approved.

B. Flag lots or lots with long narrow panhandles or strips of land connecting the main body of the lot with the street and providing the sole access from the street to that lot shall be prohibited.

C. Double frontage lots are prohibited, except where employed to prevent

direct vehicular access to collector or arterial streets.

D. Lots utilizing driveways shall not, in general, derive direct vehicular access from an arterial or collector street. Reverse frontage lots shall be required, wherever practical, along such streets in order to limit traffic hazards and to provide for the efficient movement of traffic.

E. Corner lots shall provide for front setbacks on both streets.

F. The size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated.

F. Lot depths, in general, shall be not less than one nor more than 2½ times the average width.

G. Lots with areas that are two or more times the minimum requirements shall, whenever feasible, be designed with configurations which allow further subdivision.

H. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

2. *Lot Dimensions.* The dimensions and areas of the lots must conform to Chapter 27, "Zoning."

3. *Planting Screens.* Where lots face on an interior street and back on major thoroughfare, a planting screen, at least 10 feet wide, must be provided along the back of the lot as the case may be. No right-of-access may open onto or through the screen. (Ord. 899-8, 9/13/1989)

### **§22-515. Sewage Disposal and Water Supply.**

#### *1. Sewage Disposal Requirements.*

A. Prior to the construction of any sanitary sewer facilities, formal application shall be made to the Pennsylvania Department of Environmental Protection and the necessary permits obtained.

B. When installing public sewers, construction of such facilities shall comply with specifications set forth in the Red Lion Construction and Materials Specifications for Land Development.<sup>9</sup> Upon completion of the sanitary sewer installation, a reproducible as-built plan of the system must be filed with the Borough.

#### *2. Water Supply Requirements.*

A. All water supply systems must be in accordance with the minimum standards approved by the Pennsylvania Department of Environmental Protection.

B. When installing a public water supply system, upon completion, a reproducible as-built plan of the system must be filed with the Borough.

C. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the proposed development, applicants shall present evidence to the Borough Council or the Planning Commission, as the case may be, that the proposed development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by

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<sup>9</sup>Editor's Note: Said specifications are on file in the Borough offices.

a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence. [Ord. 9711-6]

(Ord. 899-8, 9/13/1989; as amended by Ord. 9711-6, 11/12/1997, §185-37)

## **§22-516. Stormwater Management.**

### *1. General Requirements.*

A. Prior to the preliminary approval of subdivision or land development plans (final approval if a minor subdivision or waiver of the preliminary phase), the developer shall prepare a stormwater management plan in accordance with the Borough's Stormwater Management Ordinance [Chapter 23], if such ordinance exists. Otherwise, the stormwater management plan shall be prepared in accordance with criteria established by the Borough Engineer.

B. The developer shall contact the Borough Engineer prior to the preparation of a preliminary plan (final plan if a minor subdivision or waiver of the preliminary phase) to obtain plan requirements, design criteria, methods, and controls applicable to the particular project.

C. The following is a listing of control methods which may be utilized. Techniques not listed may be considered. Various combinations of methods should be tailored to suit the particular requirements of the project area:

- (1) Retention and/or detention basins.
- (2) Rooftop and parking lot ponding.
- (3) Seepage pits, seepage trenches, or other infiltration structures.
- (4) Grassed channels and vegetated strips.
- (5) Cisterns and underground reservoirs.

2. *Lot Drainage.* Lots shall be laid out and graded to provide positive drainage away from new and existing buildings and on-site waste disposal sites in order to prevent the collection of stormwater in pools. Roof drainage shall be provided for according to recommendations of the Borough Engineer or such other officials as may be designated by the Borough Council. Topsoil shall be preserved and redistributed as cover and shall be suitably planted with perennial grasses or ground cover.

3. *Nearby Existing Facilities.* Where adequate existing storm sewers are readily accessible, the developer must connect his stormwater facilities to these existing storm sewers.

### *4. Open Drainageways.*

A. When open drainageways are used for the disposal of stormwater, the Borough shall review the design of such open drainageways in relation to the following:

- (1) *Safety.* Steep banks and deep pools shall be avoided.
- (2) *Erosion.* Adequate measures shall be taken, such as seeding, sodding, paving, or other measures as necessary, to prevent the erosion of banks and the scouring of the channel.

(3) *Stagnation.* Design of open drainageways shall not create stagnant pools or swampy areas.

B. Whenever the evidence available to the Borough indicates that natural surface drainage is inadequate, the developer shall install storm sewers, culverts and related facilities, as necessary, to:

(1) Permit the unimpeded flow of natural watercourses.

(2) Ensure the drainage of all low points along the line of streets.

(3) Intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.

(4) Provide adequate drainage away from on-site sewage disposal facilities.

C. Storm drainage facilities must be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that may occur when all the property at a higher elevation in the same drainage basin is fully developed.

5. *Abutting Properties.* In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. When a storm drainage outlet will discharge upon another property, the developer must secure the approval, in writing, of adjoining affected owners. In no case may a change be made in the existing topography which would:

A. Result in a slope of more than 70 percent within 20 feet of a property line (height divided by length equals percent of slope) unless an adequate retaining wall or other structure is provided.

B. Result in a slope which exceeds the normal angle of slippage of the material involved. All slopes must be protected against erosion.

6. *Drainage upon Streets.* In order to give proper surface water drainage upon streets, a structure on a lot must be at a grade in satisfactory relationship:

A. With established street grade.

B. With the existing street grade where none is established.

7. *Bridges and Culverts.* Bridges and culverts shall be designed to meet current Pennsylvania Department of Transportation/Pennsylvania Department of Environmental Protection standards to support expected loads and carry expected flows.

(Ord. 899-8, 9/13/1989)

#### **§22-517. Other Utilities.**

1. *Easement Width and Location.* Easements with a minimum width of 20 feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains, and/or other utility lines intended to service the abutting lots. No structure shall be placed within such easements. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.

2. *Petroleum, Gas, and Electric Transmission Lines.*

A. Where any petroleum, petroleum products, natural gas or electric transmission line traverses a land development, the developer shall confer with the applicable transmission or distribution company to determine the minimum

distance which shall be required between each structure and the center line of such transmission line.

B. Additionally, the Borough will require, with the preliminary plan application (final plan application if a minor subdivision), a letter from the owner of the transmission line stating any conditions on the use of the tract and the right-of-way width or a copy of the recorded agreement which shall contain the above data.

3. *Underground Utilities.* Electric, telephone, and all other utility facilities shall be installed underground unless special conditions require otherwise.

(Ord. 899-8, 9/13/1989)

**§22-518. Watercourses and Drainageways.**

Where a land development or subdivision is traversed by a watercourse, stream, or channel with a constant flow of water, the developer must provide a drainage easement conforming substantially to the existing alignment of the drainageway. The easement must be a width adequate to:

- A. Preserve the unimpeded low of natural drainage.
- B. Widen, deepen, relocate, improve, or protect the drainageway.
- C. Install a stormwater sewer.
- D. Accommodate a 100-year design storm.

(Ord. 899-8, 9/13/1989)

**§22-519. Fire Hydrants.**

Fire hydrants shall be required for all subdivisions or land developments. Fire hydrants shall be located within 600 feet of any dwelling unit or structure open to the public. Fire hydrants shall be installed in accordance with the requirements of the local fire authority and all applicable regulations.

(Ord. 899-8, 9/13/1989)

**§22-520. Monuments and Markers.**

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

Type	Material	Minimum Size (inches)
Monument	Concrete or stone	6 by 6 by 30
Marker	Iron pipes or iron or steel bars	15 by ¾ diameter

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

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

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

- B. At the intersection of street lines.
- 4. *Location of Markers.* Markers must be set:
  - A. At the beginning and ending of curves along street and property lines.
  - B. At points where lot lines intersect curves either front or rear.
  - C. At angles in property lines of lots.
  - D. At all other lot corners.
- 5. *Removal.* Any monuments or markers that are removed must be replaced by a registered engineer or surveyor at the expense of the person removing them.  
(Ord. 899-8, 9/13/1989)

**§22-521. Application Forms and Design Diagrams.**

The following pages contain certain forms for the administration of this Chapter and diagrams and specifications for certain improvements regulated by this Chapter.<sup>10</sup>  
(Ord. 899-8, 9/13/1989)

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<sup>10</sup>Editor's Note: Said diagrams and specifications are on file in the Borough offices.



**Part 6****Improvements, Dedication, and Reservation****§22-601. Installation of Improvements.**

The final responsibility for the installation of the improvements required by this Chapter rests with the applicant. Upon installation of improvements in accordance with the specifications of the approved plan and the Borough Engineer, the applicant must take the final steps to dedicate the improvements and have them accepted by the Borough.

*(Ord. 899-8, 9/13/1989)*

**§22-602. Completion of Improvements; Guaranty.**

No plan shall be finally approved unless the streets shown on such plan have been improved as may be required by this Chapter, and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains, and other improvements as may be required have been installed in accordance with this Chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the developer shall deposit with the Borough a corporate bond or other financial security acceptable to the Borough Council under recommendation of the Borough Engineer and Solicitor in an amount sufficient to cover the costs of any improvements which may be required, which financial security may include, among others, a lending institution irrevocable letter of credit or a restrictive or escrow account in a lending institution. Such bond or other security shall provide for and secure to the public the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements. The amount of financial security or bond posted for the completion of the required improvements shall be equal to 110 percent of the cost of the completion estimated as of 90 days following the date scheduled for completion by the developer. The procedures for securing the appropriate securities or bonds and related requirements shall be as outlined in §509 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10509, as amended.

*(Ord. 899-8, 9/13/1989)*

**§22-603. Release from Improvement Bond.**

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

any portion thereof, shall be not approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

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

3. If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

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

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

6. Where herein reference is made in this Chapter to the Borough Engineer, he shall be a duly registered professional engineer employed by the Borough or engaged as a consultant thereto.

7. To cover inspection costs, the developer must pay a fee to be established by the Borough Council. Any unused portion of this fee will be refunded to the developer upon completion of the inspection.

*(Ord. 899-8, 9/13/1989)*

#### **§22-604. Remedies to Effect Completion of Improvements.**

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

*(Ord. 899-8, 9/13/1989)*

#### **§22-605. Offers and Dedication.**

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

dedication with the temporary privilege of use must be noted on the final plan.

(*Ord. 899-8, 9/13/1989*)

**§22-606. Land Reservation.**

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

(*Ord. 899-8, 9/13/1989*)

**§22-607. Effect of Plan Recording.**

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

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

(*Ord. 899-8, 9/13/1989*)

**§22-608. Maintenance Guaranty.**

1. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in §22-602 with the design and specifications as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed 15 percent of the actual cost of installation of said improvements.

2. Defective improvements include any defect in material or workmanship that was latent in character and not discernible at the time of final inspection or acceptance by the Borough and/or any damage to improvements by reason of the settling of ground, base or foundation thereof. However, any damage to the street surface caused by tire chains, snow removal equipment, or utility cuts by others are not the responsibility of the developer.

(*Ord. 899-8, 9/13/1989*)



**Part 7****Mobile Home Park Provisions****§22-701. Approval Required.**

It shall be unlawful for any person to construct, alter, extend or operate any mobile home park within the limits of Red Lion Borough unless he holds a valid permit issued by Red Lion Borough in the name of such person for the specific construction, alteration, or extension proposed.

(Ord. 899-8, 9/13/1989)

**§22-702. Application for Permit.**

Applications for mobile home park approval shall conform to the requirements and procedures as established in Parts 3 and 4 of this Chapter, relative Sections of Chapter 27, "Zoning," and the following permit requirements:

A. *Application to Red Lion Borough.* The applicant shall submit an application to the Red Lion Borough Secretary using a form furnished by that officer for a permit to operate a mobile home park in Red Lion Borough.

B. *Inspection and Issuance of Permit.* Upon receipt of such application, together with a land development plan, the Red Lion Borough Planning Commission and Borough Council shall forthwith review the applicant's land development plan for the proposed park to determine compliance with the provisions of this Chapter. After final approval of the plan, the Council shall direct the Zoning Officer to issue a mobile home park permit to the applicant which shall be valid for a period of 1 year thereafter.

C. *Renewal Permits.* Renewal permits for a like period shall be issued by the Zoning Officer upon being furnished proof by the applicant that his park continues to meet the standards prescribed by this Chapter.

(Ord. 899-8, 9/13/1989)

**§22-703. Fees.**

Each applicant for a new or renewal permit hereunder shall be accompanied by the payment of a fee as required in §22-804 of this Chapter. In the event that the Borough is required to perform additional or unusual service in reviewing said application, the cost of such additional service shall be borne by the applicant. Such charges shall be levied whether or not the application is finally approved.

(Ord. 899-8, 9/13/1989)

**§22-704. Limited Applicability to Existing Parks.**

Mobile home parks in existence as of the effective date of this Chapter shall be required to meet only the standards of the existing Borough ordinances which were in effect at the time the initial development was approved or established. All other minimum standards prescribed herein shall be applicable only to those parks which are constructed or expanded after the effective date hereof.

(Ord. 899-8, 9/13/1989)

**§22-705. Registration.**

1. *Red Lion Borough Permit.* It shall be unlawful for any person to operate any mobile home park within the limits of Red Lion Borough unless he holds a permit issued annually by Red Lion Borough in the name of such person for the specific mobile home park. Proof of such registration shall be furnished to the Red Lion Borough Zoning Officer no later than February 1 of each year.

2. *Transfer of Ownership.* Every person holding a mobile home park permit shall file notice, in writing, to the Red Lion Borough Council within 10 days after having sold, transferred, given away or otherwise disposed of interest in or control of any mobile home park.

3. *Suspension.* Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provision of this Chapter or of any regulations adopted pursuant thereto, the Red Lion Borough Zoning Officer shall give notice, in writing, to the person to whom the certificate is issued, advising him that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license to operate in Red Lion Borough shall be suspended. At the end of such period, such mobile home park shall be inspected, and if such conditions or practices have not been corrected and the licensee has not requested a hearing, the Red Lion Borough Zoning Officer shall suspend the license and give notice, in writing, of such suspension to the person to whom the certificate is issued. Any person, partnership, or corporation who is in violation of any provisions of this Chapter shall be subject to the penalties stated in §22-805 of this Chapter.

(Ord. 899-8, 9/13/1989)

**§22-706. Inspections.**

1. *Inspection.* An authorized representative of Red Lion Borough may inspect a mobile home park at reasonable times to determine compliance with this Chapter.

2. *Inspector.* The Red Lion Borough Zoning Officer is hereby designated as the person to make such inspections. Another or additional inspectors may also be authorized to make inspections or additional inspections at the discretion of the Red Lion Borough Council.

3. *Authorization to Act.* The inspection officer may, in his discretion, give notice for violations of this Chapter and issue notice thereof, without express authority from the Red Lion Borough Council in each instance.

(Ord. 899-8, 9/13/1989)

**§22-707. Site Location, Dimensions, and Specifications.**

The location and minimum area of all mobile home parks shall comply with the following minimum requirements:

A. *Site Area.* The site area of any mobile home park shall not be less than 5 contiguous acres.

B. *Site Drainage Requirements.* Surface water collectors and other bodies of

standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled.

3. *Soil and Ground Cover Requirements:*

A. Exposed ground surfaces in all parts of every park shall be paved or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

B. Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

4. *Required Setbacks, Placement, Buffer Strips and Screening.*

A. Lot size, setbacks, and screening requirements shall be as required in Chapter 27, "Zoning."

B. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosures shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

5. *Occupancy.* The minimum number of stands completed and ready for occupancy before the first occupancy is permitted shall be two stands. No space shall be rented except for periods of 90 days or more.

(Ord. 899-8, 9/13/1989)

**§22-708. Blocks.**

1. The size and shape of blocks in mobile home parks shall be determined with regard to:

A. Need for convenience access, automotive, and pedestrian movement.

B. Providing desirable lot depths for pedestrian interior walkways and easements for utilities to be located within the block.

2. Blocks shall not exceed a maximum length of 1,000 feet.

(Ord. 899-8, 9/13/1989)

**§22-709. Construction of Mobile Home Stands.**

1. The area of the mobile home stand shall be improved to provide an adequate frost-free foundation for the placement of the mobile home, thereby securing the super structure against uplift, sliding, or rotation and in no event shall the mobile home be erected on jacks, loose blocks, or other temporary materials.

2. The foundation area shall be provided with anchors and tie-downs such as cast in place concrete deadmen. These anchors and tie-downs shall be placed at least at each corner of the proposed mobile home location and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

3. In lieu of subsection .2 above, each mobile home may be installed upon and securely fastened to a frost-free foundation or footer.

(Ord. 899-8, 9/13/1989)

**§22-710. Street System.**

All streets within mobile home parks shall conform to the following standards:

A. *General Requirements.* A minimum of two safe and convenient vehicular accesses shall be provided from abutting public streets or roads.

B. *Location Principles.* The streets in a mobile home park shall be located and built with regard to:

(1) Providing streets for convenient access to each mobile home lot and other facilities in the park.

(2) Recognizing existing easements which are to be preserved.

C. *Roadway Width.*

(1) The access roads connecting the park with a public street or road shall have minimum roadway widths of 32 feet.

(2) All internal streets shall have a minimum roadway width of 32 feet unless modified at the discretion of the Borough Council as in §22-506.2 of this Chapter.

D. *Street Status.* Construction, improvement, and maintenance of all streets within the mobile home park shall be the responsibility of the mobile home park owner.

E. *Street Construction.* Streets shall be constructed in accordance with the specifications set forth in the Red Lion Construction and Materials Specifications for Land Development.<sup>11</sup>

F. *Curbs.* Slant curbs shall be installed along both sides of all streets in accordance with the specifications set forth in the Red Lion Construction and Materials Specifications for Land Development.

G. *Sidewalks.* Sidewalks shall not be required except the frontage of the property where necessary to continue sidewalks that are existing on adjoining properties or to provide access to community facilities such as schools, shopping centers or recreation areas. Sidewalk construction, where required and/or proposed, shall comply with specifications set forth in the Red Lion Construction and Materials Specifications for Land Development.

H. *Street Names and Lot Numbers.* Each street within a mobile home park shall be provided with a street name and street name sign in accordance with the provision stated in §22-511.5 of this Chapter. Lot numbers shall be displayed in an easily visible location on each mobile home in a common place on the front yard side of the mobile home at least 4 feet above the ground.

(Ord. 899-8, 9/13/1989)

## **§22-711. Water Supply; Sewage Disposal.**

1. *Water Supply.*

A. *General Requirements.* Public water approved by the Pennsylvania Department of Environmental Protection must be utilized.

B. *Water Distribution System.*

(1) All water piping, fixtures and other equipment shall be constructed

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<sup>11</sup>Editor's Note: Said specifications are on file in the Borough offices.

and maintained in accordance with State and local regulations.

(2) The system shall be so designed and maintained as to provide a pressure of not less than 20 pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply.

*C. Individual Water Riser Pipes and Connections.*

(1) Individual water riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, thereby ensuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

(2) The water riser pipe shall have a minimum inside diameter of  $\frac{3}{4}$  inch and terminate at least 4 inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.

(3) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

(4) A shutoff valve below the frost line shall be provided near the water riser pipe on each mobile home lot. Underground stop-and-waste valves are prohibited unless their type of manufacture and their method of installation are approved.

*2. Sewage Disposal.*

*A. General Requirements.* Public sewer approved by the Pennsylvania Department of Environmental Protection must be utilized.

*B. Individual Sewer Connections and Sewer Lines.* Construction of such facilities shall be in compliance with specifications set forth in the Red Lion Construction and Materials Specifications for Land Development.<sup>12</sup>

(Ord. 899-8, 9/13/1989)

**§22-712. Storm Drainage Requirements.**

1. The ground surface in all parts of a mobile home park shall be graded and equipped to drain surface water in a safe, efficient manner in accordance with the stormwater management requirements stated in §22-516.

2. All stormwater facilities shall be kept completely separate from any sanitary sewer system.

3. Where the construction of streets and storm sewers is such that the direction of stormwater is diverted to affect surrounding properties, the applicant shall obtain sufficient drainage easements to provided adequate disposal of the stormwater.

(Ord. 899-8, 9/13/1989)

**§22-713. Other Utilities.**

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<sup>12</sup>Editor's Note: Said specifications are on file in the Borough offices.

Electric, telephone, and all other utility facilities shall be provided as necessary within the mobile home park. Such utilities shall be installed underground and maintained in accordance with the local utility company's specifications regulating such systems.

(Ord. 899-8, 9/13/1989)

**§22-714. Service Buildings and Community Service Facilities.**

1. *Applicability.* The requirements of this Section shall apply to service buildings, recreational buildings and other community service facilities when constructed such as:

- A. Management offices, repair shops, and storage areas.
- B. Laundry facilities.
- C. Indoor recreation areas.
- D. Commercial uses supplying essential goods or services for the exclusive use of park occupants.

2. *Structural Requirements for Buildings.*

A. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

B. All rooms containing laundry facilities shall:

(1) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10 percent of the floor area served by them.

(2) Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.

C. Toilets shall be located in separate compartments equipped with self-closing doors. Toilets shall have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.

(Ord. 899-8, 9/13/1989)

**§22-715. Streetlights.**

Streetlights may be required at the discretion of the Borough to illuminate streets, driveways and pedestrian interior walkways for the safe movement of vehicles and pedestrians at night. Their type and location shall be shown on the plan.

(Ord. 899-8, 9/13/1989)

**§22-716. Off-street Parking Areas.**

Paved off-street parking areas, in compliance with §27-410 of Chapter 27, "Zoning," must be provided for each mobile home lot and must also be provided to serve recreation areas, utility or service buildings, and the park office.

(Ord. 899-8, 9/13/1989)

**§22-717. Refuse Handling.**

The storage, collection, and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

(Ord. 899-8, 9/13/1989)

**§22-718. Insect and Rodent Control.**

Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation.

(Ord. 899-8, 9/13/1989)

**§22-719. Fuel Supply and Storage.**

1. *Liquefied Petroleum Gas Systems.* Such systems shall not be permitted.

2. *Fuel Oil Supply System.*

A. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.

B. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.

C. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shutoff valves located within 5 inches of storage tanks.

D. All fuel storage tanks or cylinders shall be securely placed and shall not be less than 5 feet from any mobile home exit.

E. Storage tanks located in areas subject to traffic shall be protected against physical damage.

(Ord. 899-8, 9/13/1989)

**§22-720. Fire Protection.**

1. *Local Regulations.* The mobile home park area shall be subject to the rules and regulations of the Red Lion Borough fire authorities where provided. A copy of the mobile home park plan shall be provided to the appropriate fire company officials.

2. *Litter Control.* Mobile home park areas shall be kept free of litter, rubbish, and other flammable materials.

3. *Fire Extinguishers.* Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in public service buildings under park control, and a sufficient number shall be maintained throughout the park in readily accessible and well-defined positions.

4. *Fire Hydrants.* Fire hydrants shall be installed in accordance with the requirements of the local fire authority and all other applicable regulations.

(Ord. 899-8, 9/13/1989)

**§22-721. Nonresidential Uses.**

1. No part of any park shall be used for nonresidential purposes except such uses that are required for direct servicing and well-being of park residents and for the management and maintenance of the park.

2. Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on an approved mobile home lot and connected to utilities.

3. Portions of parks not to exceed 5 percent of the total land area may be used for commercial purposes if, in the opinion of the Borough, such uses are primarily intended to serve the residents of the park. Such 5 percent of the total land area shall also contain all parking and landscaped areas associated with the commercial uses.

(Ord. 899-8, 9/13/1989)

### **§22-722. Responsibilities of Park Management.**

1. The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in clean and sanitary condition.

2. The park management shall supervise the placement of each mobile home on its mobile home lot. This includes securing its stability and installing all utility connections.

3. The park management shall give the Borough officials free access to all mobile home lots, service buildings, and other community service facilities for the purpose of inspection.

4. The management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

5. A building permit shall be obtained by the park management for all structures and mobile homes in accordance with Chapter 5, "Code Enforcement."

6. No mobile home located in a mobile home park shall be removed from Red Lion without first obtaining a permit from the Red Lion Borough Tax Collector, as required by Act. No. 54, of the Pennsylvania General Assembly, Session of 1969, 72 P.S. §5453.617a. Such permit shall be issued upon payment of the prescribed fee and all real estate taxes assessed against the home and unpaid at the time the permit is requested.

(Ord. 899-8, 9/13/1989)

### **§22-723. Rules and Regulations.**

The following is a suggested listing of minimum requirements that should be included within a set of rules and regulations developed by each mobile home park operator to inform each prospective tenant of park's operating policies:

- A. Number of pets allowed and other restrictions.
- B. Speed limits and traffic control within the park.
- C. Rent payment provisions and subletting policies.
- D. Garbage collection schedules.
- E. Vehicular ownership and maintenance restrictions.

F. Responsibilities of the tenant regarding behavior, including that of children and visitors.

G. Policies regarding swimming pools, mobile home skirting, and other lot improvements required by operator and desired by tenants.

H. Maintenance responsibilities of each tenant.

*(Ord. 899-8, 9/13/1989)*



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

It shall be the duty of the Borough Council or the duly authorized representative of the Borough Council to enforce the provisions of this Chapter. The enforcement officer shall require that the application for a building permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved land development. No building permit shall be issued until the enforcement officer has certified that the site for the proposed building, alteration, or use complies with all the provisions of this Chapter and the Borough's Construction and Materials Specifications for Land Development<sup>13</sup> where required conforms to the site description as indicated on the approved and recorded final plan.

*(Ord. 899-8, 9/13/1989)*

**§22-802. Modifications.**

1. Where a provision of this Chapter would cause unique and undue hardship as it applies to a particular property or if a developer shows that an alternative proposal will allow for equal or better results, the Borough Council may grant a modification from the strict application of the terms of this Chapter if the variation will not be detrimental to the general welfare, nullify the objectives of these regulations or conflict with the Comprehensive Plan. In granting the modification, the Borough Council may impose conditions which will substantially secure compliance with the purposes of this Chapter. Requests for modifications shall be made in writing and submitted to the Secretary with copies of the plan.

2. The Borough Planning Commission shall have the right to recommend to the Borough Council modifications to the regulations in individual cases as may be necessary in the public interest; provided, however, that such modifications and the specific reasons for such change shall be entered in the minutes of the Planning Commission and a copy of this entry shall be transmitted to the Borough Council. The Borough Council may then alter the land development plans and specify changes or modifications therein which it deems necessary and make its approval subject to such alterations, changes, or modifications. If approved by the Borough Council, said modifications shall be clearly defined and entered on the final plan and signed by the Borough Council.

*(Ord. 899-8, 9/13/1989)*

**§22-803. Amendments.**

1. The Borough Council may on its own motion or upon recommendation of the Planning Commission amend, supplement, or repeal any portion of this Chapter. Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed

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<sup>13</sup>Editor's Note: Said specifications are on file in the Borough offices.

ordinance in §506 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10506, as amended. In addition, in case of an amendment other than that prepared by the Borough Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission for recommendations least 30 days prior to the date fixed for the public hearing on such proposed amendment. In addition, at least 30 days prior to the hearing on the amendment, the Borough shall submit the proposed amendment to the York County Planning Commission for recommendations.

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

*(Ord. 899-8, 9/13/1989)*

#### **§22-804. Fees.**

1. The Borough Council shall by resolution create a schedule of filing fees to be paid by the applicant at the time of plan submission to defray the cost of administering and processing plans. Filing fees shall be required for the following:

- A. Preliminary plan.
- B. Final plan.
- C. Land development plan.
- D. Mobile home park permit.
- E. York County Planning Commission.
- F. Recording fee.

2. In addition to such filing fees, the developer shall pay the cost of:

- A. Reviewing the land development plan and engineering details.
- B. Inspecting the site for conformance to survey.
- C. Preparing cost estimates of required improvements during installation.
- D. Inspection of required improvements during installation.
- E. Final inspection for completion of installation of required improvements.
- F. Legal service necessary for the processing of the land development plan.
- G. Any tapping fee and/or connection charge for connection to a municipal water system.
- H. Any tapping fees and/or any required charge for reservation of sewage capacity in a municipal sewage system.

3. These costs will be billed to the developer by the Borough upon completion of each review phase. No building permits shall be issued nor shall subdivision or land development plans be approved for any tract of land for which fees as outlined are outstanding.

*(Ord. 899-8, 9/13/1989)*

#### **§22-805. Violations and Penalties.**

1. Any person, partnership, or corporation who or which, being the owner or agent of any lot, tract, or parcel of land, shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel

or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers, or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this Chapter, shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500, plus all court costs. Each day that a violation continues shall constitute a separate violation, unless the magisterial district judge determines otherwise in accordance with §515.3 of the Pennsylvania Commission Municipalities Planning Code, 53 P.S. §10515.3, as amended.

2. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

3. The Borough Council may initiate and maintain civil action to obtain a writ of injunction against the owner or agency who is in violation of any provision of this Chapter or who attempts the improper sale or conveyance of land and in proper cases to set aside and invalidate any conveyances or agreements to convey land made prior to final plan approval of any subdivision or land development.

4. Nothing herein shall prevent the Borough Council from taking such other action necessary to prevent or remedy any violation.

*(Ord. 899-8, 9/13/1989)*

#### **§22-806. Appeals.**

The procedures for securing review of any ordinance, decision, or determination is set forth in Article X-A of the Pennsylvania Municipalities Planning Code, 53 P.S. §11001-A *et seq.*, as amended.

*(Ord. 899-8, 9/13/1989)*

#### **§22-807. Liability.**

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

*(Ord. 899-8, 9/13/1989)*

#### **§22-808. Conflict with Other Provisions.**

The provisions of this Chapter shall be held to be minimum requirements to meet the purposes of this Chapter. When provisions of this Chapter impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Chapter shall prevail. When provisions of any statute, other ordinance, or regulation impose greater restrictions than those of those of this Chapter, the provisions of such statute, ordinance, or regulation shall prevail.

*(Ord. 899-8, 9/13/1989)*

#### **§22-809. Erroneous Permit.**

A building permit or other permit or authorization issued or approved in violation of the provisions of this Chapter is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or other authorization is unlawful. No action may be taken by a board, agency, or employee of the Borough purporting to validate such a violation.

*(Ord. 899-8, 9/13/1989)*