

**Amended Bill No. 46, Ordinance No. 45, Session 2022**

ARTICLE 938  
Stormwater Management (SWM)  
Site Plan Requirements

<p>938.01 Plan requirements.</p> <p>938.02 Plan submission.</p> <p>938.03 Plan review and approval procedure.</p> <p>938.04 Revision of plans.</p> <p>938.05 Re-submission of disapproved SWM site</p>	<p>plans.</p> <p>938.06 Authorization to construct and term of validity.</p> <p>938.07 As-built plans, completion certificate, and final inspection.</p>
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938.01 PLAN REQUIREMENTS.

Although not a requirement of this Ordinance, prior to proceeding with SWM Site Plan preparation and submission, the applicant is encouraged to request a pre-application meeting with the Municipality, Municipality's Engineer and a staff member of the York County Conservation District to discuss the plan concept and responsibility for submission of required documents and information.

The following items shall be included in the SWM Site Plan:

- (a) Appropriate sections of the Municipality's Subdivision and Land Development Ordinance, and other applicable ordinances of the Municipality regarding subdivision and land development plan preparation and applicable plan requirements shall be followed in preparing all SWM Site Plans, regardless of whether or not a SWM Site Plan involves a subdivision and/or land development plan. If the Municipality has not adopted a Subdivision and Land Development Ordinance, the content of SWM Site Plans shall follow the plan preparation and applicable plan requirements of the York County Subdivision and Land Development Ordinance.

- (b) The Municipality shall not approve any SWM Site Plan that is deficient in meeting the requirements of this Ordinance. At its sole discretion, and in accordance with this Article, when a SWM Site Plan is found to be deficient, the Municipality may either disapprove the submission, or, in the case of minor deficiencies, the Municipality may accept the submission of a revised SWM Site Plan as noted in Section 938.04.
- (c) Provisions for permanent access or maintenance easements for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance (O&M) Plan discussed in Section 938.01(e)(9) below.
- (d) The following signature block for the municipality:
- "(Municipal official or designee), on this date (date of signature), has reviewed and hereby certifies that the SWM Site Plan meets all design standards and criteria of the Municipal Ordinance No. (number assigned to the Ordinance)."
- (e) If not required by the Municipal or York County Subdivision and Land Development Ordinance, as specified in Section 938.01(a), the SWM Site Plan shall also provide the following information where applicable:
- (1) The overall stormwater management concept for the project, including any additional information required for a Post-Construction Stormwater Management Plan (PCSWMP) as applicable.
  - (2) A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, as well as for other environmentally sensitive areas, whether natural or manmade, including floodplains, streams, lakes, ponds, hydric soils, wetlands, brownfields and wellhead protection zones.
  - (3) Stormwater runoff design computations, and documentation as specified in this Ordinance, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Ordinance, including the recommendations and general requirements in Section 937.01.
  - (4) Expected project time schedule.
  - (5) A soil erosion and sediment control plan, where applicable, as prepared for, reviewed, and approved by the York County Conservation District.
  - (6) The effect of the project in terms of runoff volumes, water quality, and peak flows on surrounding properties and aquatic features, and on any existing stormwater conveyance system that may be affected by the project.
  - (7) Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales.
  - (8) The SWM Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.
  - (9) The SWM Site Plan shall include an Operation and Maintenance (O&M) Plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.

- (10) A description of permanent stormwater management techniques, including the construction specifications of the materials to be used for stormwater management facilities.
- (11) A notarized signature of the owner of the parcel for which the SWM Site Plan is proposed indicating that they are aware of the plan and will be responsible for the operation and maintenance of the stormwater management facilities.
- (12) Existing and proposed land uses.
- (13) The location of the proposed regulated activity relative to streets, municipal boundaries, and other significant manmade features.
- (14) Significant physical features and associated boundary limits including flood hazard areas, sinkholes, existing drainage courses, and areas of natural vegetation.
- (15) The location of existing and proposed utilities, stormwater facilities, sanitary sewers, and water lines on the parcel and within 50 feet of property lines.
- (16) Proposed changes to the land surface and vegetative cover, and the type and amount of existing and proposed impervious area.
- (17) Existing and proposed structures, buildings, streets, driveways, access drives, and parking areas.
- (18) Preferred contour intervals of two (2) feet in moderately sloped areas, and contours at intervals of five (5) feet for slopes in excess of 15%.  
Dependent upon site conditions, alternative contour intervals proposed by an applicant or his designee may be accepted by the Municipality.
- (19) The name of the development, the name and address of the owner of the property, and the name and address of the individual or firm preparing the Plan. Also to be included are the name, address, signature and seal of any registered surveyor (attesting the accuracy of the boundary survey), professional engineer, landscape architect, or professional geologist (for geomorphological assessments) contributing to and/or with a responsibility for any aspect of the Plan where applicable.
- (20) Preferred graphic and written scale of one (1) inch equals no more than 50 feet. For parcels of 20 acres or more, the preferred scale is one (1) inch equals no more than 100 feet. Dependent upon site conditions, an alternative scale proposed by the applicant or his designee may be accepted by the Municipality.
- (21) North point (arrow).
- (22) A map showing all existing manmade features beyond the subject parcel's boundary lines that will be affected by the proposed regulated activities.
- (23) Horizontal and vertical profiles of all open channels, including hydraulic capacity.
- (24) A note on the plan indicating the location, and responsibility for maintenance of, SWM facilities and/or easements that would be located on adjoining properties as a result of proposed regulated activities, and the location of such facilities and/or easements.
- (25) A hydrogeologic assessment of the effects of stormwater runoff on sinkholes where present.

- (26) The effect of the proposed regulated activity in terms of runoff volumes and peak flows on adjacent properties and/or any existing municipal stormwater collection system that may receive runoff from the project site.
- (27) Drainage flow pathways.  
(Ord. 32-2011. Passed 10-4-11.)

#### 938.02 PLAN SUBMISSION.

- (a) Three (3) copies of the SWM Site Plan shall be submitted as follows:
  - (1) Two (2) copies to the Municipality.
  - (2) One (1) copy to the York County Planning Commission when a SWM Site Plan accompanies a subdivision/land development plan application.
- (b) Additional copies shall be submitted as requested by the Municipality or DEP.
- (c) The Municipality may establish a fee schedule for the review of SWM Plans, the amount of which shall be set by resolution of the Municipality's governing body.  
(Ord. 32-2011. Passed 10-4-11.)

#### 938.03 PLAN REVIEW AND APPROVAL PROCEDURE.

- (a) SWM Site Plans shall be reviewed by the municipality for consistency with the provisions of this Ordinance.
- (b) Modification Requests:
  - (1) When reviewing a SWM Site Plan, whether or not the SWM Site Plan is included in a subdivision and/or land development plan application, the Municipality's governing body may, after consulting with DEP as noted in Section 937.01(c), grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will enact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
  - (2) All requests for a modifications from an applicant shall be in writing and shall accompany and be a part of the application for approval of a SWM Site Plan and/or a subdivision or land development plan as applicable. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.
  - (3) In granting of any modification, the Municipality may attaché such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Act 167 Plan and this Ordinance.
  - (4) The governing body of the Municipality shall keep a written record of all action on requests for modifications. The response of any consultation and/or review by DEP shall be included as an original report if available or otherwise documented in the required written record.

- (c) SWM Site Plan Review and Approval Procedure:
- (1) If a SWM Site Plan does not involve a subdivision and/or land development, the review of the SWM Site, recommendations, approval, approval with conditions, or disapproval, i.e., the review and decision period, shall occur within forty-five (45) days of submission to the Municipality. However, the Municipality, in its sole discretion, may extend the review and decision period another forty-five (45) days due to the nature of the application and/or site conditions. If an extension of another forty-five (45) days is imposed or granted by the Municipality beyond the first forty-five (45) day review and decision period designated by this paragraph, the Municipality shall notify the applicant in writing and deliver such notice to said applicant within fifteen (15) days of the decision to extend the review and decision period by the Municipality. If no extension is imposed or granted by the Municipality beyond the first forty five (45) day review and decision period, and no decision has been rendered by the Municipality within that period, the SWM Site Plan shall be deemed approved. Similarly, if after a forty-five (45) day extension of the review and decision period has been imposed or granted by the Municipality, and no decision has been rendered by the Municipality within that period, the SWM Site Plan shall be deemed approved.
  - (2) If a SWM Site Plan involves a subdivision and/or land development plan, the period of time from the submission to the Municipality of the subdivision and/or land development plan application which includes the SWM Plan and the approval, approval with conditions, or disapproval, i.e., review and decision period, shall be 90 days, in accordance with the procedure for approval of plats in Section 508 of the Pennsylvania Municipalities Planning Code.
  - (3) From the time an application for approval of a plat involving a subdivision or land development plan, whether preliminary or final, which includes a SWM Site Plan, is duly filed with the Municipality, no change or amendment of this Ordinance or other governing ordinance or plan shall affect the decision on such application in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed, as specified in Section 508. (4) (I) of the Pennsylvania Municipalities Planning Code.

(d) Decision Notification Procedure: In all cases, the decision of the Municipality to approve or disapprove the SWM Site Plan shall be in writing and shall be delivered to the applicant no later than 15 days following the decision. If the SWM Site Plan is disapproved, the written decision by the Municipality shall specify the defects in the application, describe the requirements which were not met, and shall cite the provisions of the Ordinance relied upon. If the SWM Site Plan is approved with conditions, the notification to the applicant shall state the acceptable conditions for approval and the time limit for satisfying such conditions. The time limit for satisfying conditions of approval shall be the time limit prescribed for conditional approval of subdivision and land development plans as stated in the Municipality's Subdivision and Land Development Ordinance, or the York County Subdivision and Land Development Ordinance where applicable.  
(Ord. 32-2011. Passed 10-4-11.)

**938.04 REVISION OF PLANS.**

A revision to a previously submitted SWM Site Plan that involves a change in SWM BMPs, stormwater management facilities, or changes in analytical techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan, as determined by the Municipality, shall require a re-submission of the revised SWM Site Plan in accordance with this Article, including applicable fees. For NPDES permitted sites, any revised SWM Site Plan shall also be re-submitted to the York County Conservation District for review. In the case of a SWM Site Plan which contains minor deficiencies, such as a missing label, omission of a required note or minor construction detail, as determined by the Municipality, the Municipality may accept a re-submission of such SWM Site Plan without the requirement of a review fee, or for a lesser fee as provided for in the Municipalities fee schedule.

(Ord. 32-2011. Passed 10-4-11.)

**938.05 RE-SUBMISSION OF DISAPPROVED SWM SITE PLANS.**

A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the Municipality's concerns as stated regarding the original submission, to the municipality in accordance with this Article. The applicable review fee must accompany the submission of a revised SWM Site Plan, unless such fee is waived by the Municipality. (See Section 938.04.)

(Ord. 32-2011. Passed 10-4-11.)

**938.06 AUTHORIZATION TO CONSTRUCT AND TERM OF VALIDITY.**

(a) SWM Site Plans Independent of Subdivision and Land Development Plans. The Municipality's approval of a SWM Site Plan, when such Plan is submitted independent of a subdivision and/or land development plan, authorizes the regulated activities contained in the SWM Site Plan for a maximum term of validity of five ( 5) years following the date of approval. The Municipality may, in its sole discretion, specify a term of validity shorter than five (5) years in the approval for any specific SWM Site Plan, particularly if the nature of the proposed SWM facilities require more frequent maintenance and/or short-term replacement of certain components. Terms of validity shall commence on the date the Municipality signs the approval for an SWM Site Plan. If an approved SWM Site Plan is not completed according to Section 938.07 within the term of validity, then the Municipality may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the Municipality may be resubmitted in accordance with Section 938.05 of this Ordinance.

(b) SWM Site Plans Included in a Subdivision and/or Land Development Plan. The Municipality's approval of a SWM Site Plan, which is a part of a subdivision and/or land development plan, authorizes that plan and the regulated activities therein so that no subsequent change or amendment in this Ordinance or other governing ordinances or plans shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval, as specified in Section 508. (4) (ii) - (vii) of the Pennsylvania Municipalities Planning Code. (Ord. 32-2011. Passed 10-4-11.)

938.07 AS-BUILT PLANS, COMPLETION CERTIFICATE, AND  
FINAL INSPECTION.

(a) The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the Municipality.

(b) The as-built submission shall include a certification of completion signed by a qualified person verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. **The latitude and longitude coordinates for all permanent SWM BMPs must also be submitted, at the central location of the BMPs.** If any licensed qualified person contributed to the construction plans, then a licensed qualified person must sign the completion certificate.

(c) After receipt of the completion certification by the Municipality, the Municipality may conduct a final inspection to verify compliance with, and accuracy of, the as-built plans.

(d) The financial guarantee, as discussed under Section 940.03, shall not be released by the Municipality until the items in this Section are completed.  
(Ord. 32-2011. Passed 10-4-11.)