

**BOROUGH OF MOUNT JOY**

LANCASTER COUNTY, PENNSYLVANIA

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ORDINANCE NO. 4-13

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THE MOUNT JOY BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE; TO RESTATE AND ESTABLISH SUBDIVISION AND LAND DEVELOPMENT REGULATIONS WITHIN THE BOROUGH OF MOUNT JOY, LANCASTER COUNTY, PENNSYLVANIA, INCLUDING, BUT NOT LIMITED TO, REGULATIONS FOR SUBMISSION OF PLANS, INFORMATION TO BE INCLUDED ON PLANS, DESIGN STANDARDS, AND ENFORCEMENT PROVISIONS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Borough of Mount Joy, Chapter 240, Subdivision and land development, shall be deleted in its entirety and a new Chapter 240, Subdivision and land development, shall be inserted which shall provide as follows:

**CHAPTER 240 SUBDIVISION AND LAND DEVELOPMENT  
MOUNT JOY BOROUGH**

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## Article I. General Provisions

### § 240-1. Short title.

This chapter shall be known and may be cited as the “Mount Joy Borough Subdivision and Land Development Ordinance”.

### § 240-2. Purpose.

This chapter is adopted for the following purposes:

- A. To assist orderly, efficient and integrated development of land;
- B. To assure sites suitable for building purposes and human habitation in keeping with the standards of quality existing in the Borough and to alleviate peril from fire, flood, erosion, excessive noise, smoke or other menace;
- C. To provide for the coordination of proposed streets and other improvements with existing or proposed streets or other features of the Comprehensive Plan, Park and Recreation Plan, and Official Map of the Borough, and to provide for drainage, water supply, sewer disposal, and other appropriate utility services;
- D. To provide for adequate open spaces for traffic, recreation, light and air;
- E. To provide for efficient and orderly extension of community services and facilities at minimum cost and maximum convenience;
- F. To provide for the proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens of the Borough;
- G. To ensure conformance of subdivision and land development plans to the Comprehensive Plan, Chapter 270, Zoning, the Park and Recreation Plan, the Official Map, and other public improvement plans and to ensure coordination of intergovernmental improvement plans and program;
- H. To secure the protection of water resources and drainageways;
- I. To encourage compact and efficient urban development that encourages infill and the retention of community character within the Borough; and
- J. To secure equitable handling of all subdivision and land development plans by providing uniform procedures and standards for observance, both by applicants and the Borough.

### § 240-3. Construal of provisions.

In the interpretation and application of the provisions of this chapter, said provisions shall be deemed to be the minimum requirements necessary for the promotion and protection of the public health, safety and welfare. Where the provisions of this chapter and all standards and specifications implementing it impose greater restrictions upon subdivision or land development than those of any other Mount Joy Borough ordinance or any regulation or any applicable land development agreement, the provisions of this chapter and its standards and

specifications shall be controlling. Where the provisions of any statute, regulation, other Mount Joy Borough ordinance or applicable land development agreement impose greater restrictions upon subdivision or land development than this chapter, the provisions of such statute, regulation, other ordinance or applicable land development agreement shall be controlling.

**§ 240-4. Compliance required; jurisdiction.**

- A. This chapter is adopted pursuant to the authority granted by the MPC.
- B. No land development or subdivision of any lot, tract or parcel of land located within Mount Joy Borough shall be effected and no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for travel or public use, or for the common use of occupants of buildings thereon, unless and until a final subdivision or land development plan has been approved and recorded in the manner prescribed herein. Furthermore, no property shall be developed, no building shall be erected and no site improvements shall be completed except in strict accordance with the provisions of this chapter.
- C. No lot in a subdivision may be sold or transferred; no permit to erect, alter or repair any building upon land in a subdivision and land development may be issued; and no building may be erected in a subdivision and land development, unless and until a final subdivision or land development plan has been approved and recorded, and until construction of any required site improvements in connection therewith has been completed or guaranteed in the manner prescribed herein.
- D. If existing improvements, including storm water management facilities, on the subject tract of a subdivision or land development do not meet the requirements of this chapter, then such improvements must be designed and upgraded to meet the requirements of this chapter in conjunction with an application for subdivision and/or land development.
- E. Review by the County Planning Commission. Plans for subdivision and land development within the Mount Joy Borough shall be submitted to the Lancaster County Planning Commission for review and report in accordance with the applicable regulations of this chapter depending on the type and proposal of the subdivision and/or land development.

**§ 240-5. Severability.**

If any part or provision of this chapter or the application of this chapter to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity and continued enforcement of any other parts or provisions of this Chapter or the application of them to other persons or circumstances.

**§ 240-6. Savings.**

This chapter shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision and Land Development regulations, or as discontinuing, abating,

modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Borough under any section or provision existing at the time of adoption of this chapter, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the Borough, except as shall be expressly provided in this chapter.

**§ 240-7. Residential lot disclosure requirements.**

Before accepting a sales agreement for any new residential property, seller shall present to the buyer the residential lot disclosure information prepared in accordance with § 240-68.

**§ 240-8. (Reserved)**

**§ 240-9. (Reserved)**

**§ 240-10. (Reserved)**

## **Article II. Terminology**

**§ 240-11. Word usage.**

A. In this chapter, the following rules of interpretation shall be used:

- (1) Words in the singular include the plural, and words in the plural include the singular.
- (2) Words in the present tense may imply the future tense.
- (3) The word "person" includes a corporation, association, trust, estate, unincorporated association and a partnership, or any other legally recognized entity, as well as an individual.
- (4) The word "building" shall be construed as if followed by the words "or part thereof."
- (5) The word "street" includes "road," "highway" and "lane," and "watercourse" includes "drain," "ditch," and "stream."
- (6) The words "shall" or "will" are mandatory, and the word "may" is permissive.
- (7) The word "lot" includes the word "plot", "parcel", or "tract".

B. References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies, or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies, or officials of the Borough of Mount Joy as in effect or office from time to time, including amendments thereto or revisions or successors thereof, unless the text indicates that another reference is intended.

C. The time, within which any act required by this Chapter is to be performed, shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the



Pennsylvania General Assembly, it shall also be excluded. The word “day” shall mean a calendar day, unless otherwise indicated.

- D. If a term is not defined by this chapter, but is defined by Chapter 270, Zoning, then the definition of Chapter 270, Zoning, shall also apply for this chapter.
- E. When a term is defined in the MPC and is not otherwise defined in this chapter, such term will be interpreted in accordance with the definition in the MPC.
- F. References to officially adopted regulations, standards, or publications of PennDOT, DEP, or other governmental agencies shall include the regulation, publication, or standard in effect on the date when a plan is first filed. It is the intent of the Council in enacting this section to incorporate such changes to statutes, regulations, and publications to the extent authorized by 1 Pa. C.S. §1937.

#### **§ 240-12. Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

**ADA** – The Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Act Amendments Act of 2008 (42 U.S.C. § 12101 et seq.), and the federal regulations implementing such statute.

**ALLEY or SERVICE DRIVE** – A minor right-of-way, privately or publicly owned, primarily for vehicular service access to the back or sides of more than two properties.

**AUTHORITY** – The Mount Joy Borough Authority and any other municipal authority organized and incorporated by the Borough of Mount Joy.

**BLOCK** – An area bounded on all sides by streets (measured at the right-of-way) or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces.

**BOROUGH** – The Borough of Mount Joy, Lancaster County, Pennsylvania, as represented by the Borough Council or its duly authorized agents.

**BOROUGH ENGINEER** – A licensed engineer registered in Pennsylvania designated by Council to perform the duties of engineer as herein specified.

**BOUNDARY FENCE** – A free-standing upright structure made of wood, glass, metal, plastic, wire, or similar material standing two and one-half (2 ½) feet high or higher, erected to secure or divide one property from another to assure privacy, to protect the property, or to enclose the property.

**BOUNDARY WALL** – A free-standing upright structure of masonry, stone, brick, or similar material standing two and one-half (2 ½) feet high or higher, erected to secure or divide one property from another to assure privacy, to protect the property, or to enclose the property.

**BUILDING** – Any enclosed or open structure, other than a boundary wall, boundary fence or farm fence; provided, however, that an accessory residential building or structure, including

but not limited to a detached or attached garage, utility shed, tennis court or swimming pool, shall not be considered a separate “building” and shall not require the submission of a land development plan.

**BUILDING LINE** — See “setback.”

**CARTWAY** — The portion of a street or alley intended for vehicular traffic.

**CLEAR SIGHT TRIANGLE** – An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the center lines of both streets.

**COMMISSION** — The Mount Joy Borough Planning Commission.

**COMPREHENSIVE PLAN** – The plan and/or regional plan, or parts thereof, which has been adopted by the Council, showing its recommendations for such systems as parks and recreation facilities, water supply, sewerage and sewage disposal, transportation highways, civic centers and other public improvements, which affect the development of the Borough.

**CONDOMINIUM** – A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980, which includes the multiple unit Land Development in which there is a system of separate ownership of individual units of occupancy and undivided interest of land and common facilities.

**CONTIGUOUS** – Lots which have the same ownership, which share a common property line or, when property lines do not extend to the center line of a street, which would share a common property line if property lines extended to the center of the street separating such lots.

**COST OF IMPROVEMENTS** – The amount that 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 fails to complete such improvements within the time set forth in the subdivision or land development plan or otherwise agreed upon, which 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.

**COUNCIL** — The Borough Council being the governing body of the Borough.

**COUNTY PLANNING COMMISSION** — The Lancaster County Planning Commission or, when authorized, the County Planning Commission staff.

**CROSSWALK** — A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

**CUL-DE-SAC** — A street which intersects a through street at one end and terminates at the other end with a vehicular turnaround. A street which intersects with a street which is not a through street shall also be considered a cul-de-sac, and the length of such cul-de-sac shall be measured from the point of intersection with a through street. For the purposes of this provision, a “through street” shall be considered a street which does not terminate at the

boundary of the development (either permanently or temporarily) and which provides direct access to points outside the development without having to intersect with another street.

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

**DEDICATION** – The deliberate appropriation of land by its owner for general public use.

**DEP** – The Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

**DOUBLE FRONTAGE LOT** – A lot with front and rear street frontage.

**DRAINAGE EASEMENT** – The land required for the installation of storm sewer or drainage facilities, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein, or to safeguard the public against flood damage.

**EARTHMOVING ACTIVITIES** – Any construction or other activity that disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing, or storing of soil, rock or earth, excluding the tilling of soil for agricultural purposes.

**EASEMENT** – A strip of land granted for limited use of property by the landowner for a public or quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

**FARM FENCE** – A free standing upright structure made of wood, glass, metal, plastic, wire, masonry, stone, brick or similar material erected to protect or enclose crops and livestock or to prevent livestock access to water bodies, and used exclusively for agricultural purposes.

**FINANCIAL SECURITY** – A letter of credit or other form of guaranty in accordance with the requirements of Article V of the MPC posted by a developer to secure the completion of improvements indicated on an approved plan.

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

**GRADE** – The slope expressed in a percent that indicates the rate of change of elevation in feet per hundred feet.

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

**HARDSHIP** – A condition, not economic in nature, not caused by the applicant or developer, for which he may request a waiver.

**HOMEOWNERS' ASSOCIATION** – An unincorporated association or not-for-profit corporation whose membership consists of the lot owners of a residential development. A "homeowners' association" shall also include a condominium unit owners' association. All such associations shall comply with the requirements for unit owners' associations contained in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq.

**IMPROVEMENT** — The making of physical changes to the land, including but not limited to grading and paving, installation of curbs, gutters, stormwater management facilities, or sidewalks, and extensions and/or installation of water supply facilities and/or sanitary sewer facilities, in order to prepare the land for two or more residential units of occupancy or one or more nonresidential units of occupancy. "Improvement" shall also include the erection of a nonresidential building, the addition of more than 50square feet to a nonresidential building, the conversion of a nonresidential building into a greater or lesser number of units of occupancy, or the conversion of a single-family residence into four or more dwelling units. "Improvement" shall not include the erection of a residential accessory building or structure, including, but not limited to, attached or detached garages, swimming pools or tennis courts, or the erection of an accessory building or structure for agricultural purposes on a farm.

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

- A. The improvement of one lot or two or more 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; or
  - (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.
- C. For the purposes of this chapter, the following circumstances are excluded from the definition of land development:
  - (1) The conversion of an existing single-family detached dwelling, or single family semi-detached dwelling, into not more than three residential units, unless such units are intended to be a condominium;
  - (2) The addition of an accessory nonresidential building which is no more than 2,500 square feet of usable floor space on a lot or lots and which complies with the following:
    - (a) The accessory building does not create a need for any additional parking, per Chapter 270, Zoning; and
    - (b) The accessory building does not, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, create the need for a sewer facilities plan revision (plan revision module for lane development), or supplement; and
    - (c) The accessory building is not for the creation of additional units of occupancy; and
    - (d) The accessory building does not require approval from the Zoning Hearing Board; and

- (e) The accessory building complies with all provisions of applicable Borough ordinances, including but not limited to, Chapter 226, Storm Water Management and Chapter 270, Zoning. For the purpose of this subclause, this exemption shall be limited cumulatively from the effective date of this chapter.

**LANDSCAPE ARCHITECT** – A professional landscape architect licensed as such in the Commonwealth of Pennsylvania.

**LOT** – A plot or parcel of land which is, or in the future may be, offered for sale, conveyance, transfer or improvement as one parcel, regardless of the method or methods in which title was acquired.

**LOT AREA** – The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding space within any street right-of-way, but including the area of any easement.

**LOT LINE** – A property boundary line of any lot, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed the street or alley line.

**MPC** – The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. § 10101 et seq.

**NEW DEVELOPMENT** – A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure or building, or any use or extension of land. New development have the potential of increasing the requirements for capital improvements, requiring either approval of a plan pursuant to this chapter, the issuing of a building or zoning permit, or connection to the public water or sanitary sewer system.

**NEW RESIDENTIAL PROPERTY** – A vacant subdivided residential lot or a newly constructed home located within the boundaries of Mount Joy Borough.

**NONRESIDENTIAL** – Any use other than single-family or multifamily dwellings. An institutional use in which persons may reside, including but not limited to dormitories, nursing homes or hospitals, shall be considered nonresidential uses.

**OFFICIAL MAP** – A map adopted by ordinance pursuant to the MPC and recorded in the office of the Lancaster County Recorder of Deeds.

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

**PARK AND RECREATION PLAN** – The plan formally adopted by Borough Council setting forth recommendations and goals for the provision of open space, parkland and recreational land within the Borough, as it may be amended from time to time.

**PARKING LOT** – A facility with an all-weather surface for the off-street parking of vehicles, including the aisles for vehicle movement.

**PennDOT** - The Department of Transportation of the Commonwealth of Pennsylvania or any agency successor thereto.

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

**PLAN, AS-BUILT** – Engineering documents drawn to a scale showing the constructed dimensions and materials of a structure or other land improvement. An as-built drawing differs from design drawings and construction drawings, which are design-oriented documents prepared prior to construction rather than a depiction of what has been constructed.

**PLAN, IMPROVEMENT CONSTRUCTION** – A complete and exact subdivision and/or land development plan, the sole purpose of which is to permit the construction of only those improvements required by this chapter, as an alternative to guaranteeing the completion of those improvements by the posting of financial security in accordance with the requirements of Article IV herein.

**PLAN, FINAL** – A complete and exact subdivision and/or land development plan, including supplementary data, designed in accordance with the requirements of § 240-65.

**PLAN, LOT LINE CHANGE** – A complete and exact subdivision plan, the sole purpose of which is to increase the lot area of an existing lot or tract or for the consolidation of two or more existing lots or tracts to create fewer lots or tracts with revised lot lines, designed in accordance with the requirements of § 240-66.

**PLAN, PRELIMINARY** – A subdivision and/or land development plan that is designed in accordance with the requirements of § 240-64, and is prepared for consideration prior to submission of a final plan.

**PLAN, PRELIMINARY/FINAL** – A final plan which includes both preliminary and final plan requirements and is designed in accordance with § 240-65.

**PLAN, RECORD** – A final plan that contains the original endorsement of the Borough, which is recorded with the Lancaster County Recorder of Deeds.

**PLAN, SKETCH** – An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of proposal prepared in accordance with the requirements of § 240-63

**RECORDER OF DEEDS** – The Recorder of Deeds in and for Lancaster County, Pennsylvania.

**REDEVELOPMENT** – Public and/or private investment made to re-create the fabric of an area by renovating previously developed land. Replacing, remodeling, or reusing existing buildings and structures to accommodate new development.

**RESUBDIVISION** – Any subdivision or transfer of land, laid out on a plan that has been approved by the Council, which changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.

**RIGHT-OF-WAY** – The total width of any land reserved or dedicated as a street, alley or pedestrian way, or for any other public or private purpose.

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

**SELLER** – All developers, owners, and/or owner's agents who are selling a new residential property to a member of the general public.

**SETBACK**— The line within a property defining the required minimum distance between any building or structure and the adjacent right-of-way.

**SIGHT DISTANCE** – The length of a street, measured along the center line, which is continuously visible from any point three (3) feet above the center line.

**STREET** — A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation and travel. “Street” includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. “Streets” are further classified as follows, with the classification determined in accordance with Chapter 270, Zoning or the Official Map.

- (1) **ALLEY (SERVICE STREET)** – A minor street that is used primarily for vehicle access to the back or the side of properties otherwise abutting a street or for placement of utilities. Alleys shall be designed to discourage through traffic.
- (2) **ARTERIAL STREET; HIGHWAY** — A street or road that is used primarily for fast or heavy traffic, including all roads classified as main and secondary highways by PennDOT.
- (3) **COLLECTOR STREET** — A street that carries traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development.
- (4) **LOCAL STREET** — A street that is used primarily for access to the abutting properties.
- (5) **CUL-DE-SAC** – A local street with a single means of ingress and egress and having a turnaround. The design of the turnaround may vary.
- (6) **PRIVATE** – A street not accepted for dedication by the Borough.

**STREET LINE** – A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Also known as the “street right-of-way line.”

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

**SUBDIVIDER** — Same as “developer.”

**SUBJECT TRACT** – The site or lot proposed for land development or subdivision.

**SURVEYOR** – A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

**SURFACE DRAINAGE PLAN** — A plan showing all present and proposed grades and facilities for stormwater drainage.

**UNIT OF OCCUPANCY** — A unit, the use of which is not subordinate or customarily incidental to a principal unit. A “unit of occupancy” can be either residential or nonresidential and can be an independent unit within a structure or a separate detached structure. Types of units are as follows:

- (1) **SINGLE DETACHED UNIT** — A unit that is completely surrounded by open space.
- (2) **SEMIDETACHED UNIT** — A unit within a structure in which two units are side by side, each having open space on three sides (e.g., a twin or semidetached dwelling).
- (3) **HORIZONTALLY ATTACHED UNIT** — A unit within a structure in which three or more units are attached by vertical walls and do not have horizontal divisions between units (e.g., townhouses, row houses, shopping center with multiple storefronts).
- (4) **VERTICALLY ATTACHED UNIT** — A unit within a structure in which two or more units are attached by horizontal divisions (e.g., multistory apartment building or multistory office building)

**WAIVER** – The granting of an exception to these regulations that in the opinion of the Council will not be detrimental to the general welfare, impair the intent of these regulations.

**WETLANDS** – Those areas defined as “wetlands” under Section 404 of the United States Federal Water Pollution Control Act, 33 U.S.C. § 1344(a), and the regulations promulgated by the United States Army Corps of Engineers implementing Section 404, including but not limited to 33 CFR 3263.

**ZONING HEARING BOARD** – A board created by Council in accordance with Article IX of the MPC.

§ 240-13. (Reserved)

§ 240-14. (Reserved)

§ 240-15. (Reserved)

§ 240-16. (Reserved)

§ 240-17. (Reserved)

§ 240-18. (Reserved)

§ 240-19. (Reserved)

§ 240-20. (Reserved)

### **Article III. Plan Processing Procedure**

**§ 240-21. Scope**

This article sets forth the application requirements for obtaining approval of subdivision and land developments. The form of the various plans referred to in this article and the information required to be furnished with such plans shall be as specified in Article VII.

**§ 240-22. Sketch plans.**



Developers are strongly urged, but not required to, to submit a sketch plan for a proposed land development. The sketch plan will be considered an informal submission, for discussion purposes with Borough staff and the Commission. A sketch plan shall show proposed streets, lots, and other proposed improvements within the land development, including any road and/or trail improvements indicated on the Official Map. Submission of a sketch plan shall be on plan sheets that are 24 inches by 36 inches. A total of eight (8) paper copies of the sketch plan, two (2) copies of any supporting documents, and one (1) electronic copy of the plans and supporting documents shall be submitted to the Borough for review. The submittal package shall be complete with any supplemental documents, an application for Sketch Plan review, and the necessary filing and review fees for a sketch plan submittal.

Upon receiving the sketch plan, the Borough staff, including the Borough Engineer and the Borough Solicitor, the Commission and the Council may review the plan and advise in writing, at the sole cost and expense to the Applicant, how the proposed subdivision or land development may conform or fail to conform to the requirements and objectives of this chapter and other applicable plans and ordinances. Said written comments shall not be deemed to be an approval or denial of any application or to vest any rights in the Applicant.

#### **§ 240-23. Formal Applications.**

- A. All formal applications for approval of a subdivision plan or land development plan shall be made by the developer filing an application form, to be supplied by the Borough Secretary, together with the appropriate plans, studies, reports, supporting data, and required filing fee.
- B. Multiple applications. The resources of the Borough and the orderly administration of this chapter are unduly burdened by multiple and conflicting applications. An applicant may not submit multiple applications for approval of a subdivision or land development plan for the same property or any portion thereof. If an applicant desires to submit a new application, the applicant must withdraw in writing any pending application. In the event the applicant fails or refuses to withdraw a pending application, the Council may deny the new application for the same tract or portion thereof due to noncompliance with this section.
- C. County Planning Commission Procedures. Applicants shall comply with all plan processing procedures of the County Planning Commission. It is the responsibility of the applicant to determine the requirements of the County Planning Commission, including, but not limited to, the number of copies of the plan which must be submitted and the filing fee.

#### **§ 240-24. Application Acceptance for Review.**

- A. Initial application. The Borough Secretary shall have seven (7) days from the date of submission of an application to check the plans and documents to determine if it is accepted for review. If defective, the application may be returned to the applicant with a statement of rejection, within the seven-day period; otherwise, it shall be deemed accepted for review as of the date of submission. Acceptance for review shall not, however, constitute a waiver of

any deficiencies or irregularities. The applicant may appeal a decision by the Borough Secretary under this section to the Council in accordance with Article IX of this chapter.

- B. Amendments or corrections to an application. The Borough Secretary shall have seven (7) days from the date of submission to examine an amended or corrected application filed to determine whether such amended or corrected application results in a substantial amendment to the plan or in the filing of a plan so changed as to be considered a new plan. If the Borough Secretary determines that the amended or corrected application constitutes a substantial amendment, he shall so inform the applicant and shall inform the applicant that the Borough shall consider the ninety-day review procedure to have been restarted as of the date of the filing of the substantial amendment. If the Borough Secretary determines that the amended or corrected application constitutes a new plan, he shall so inform the applicant and shall inform the applicant that a new application and new fees are required. The applicant may appeal a decision by the Borough Secretary under this section to the Council .

**§ 240-25. Preliminary plans.**

- A. Purpose. The purpose of the Preliminary Plan is to require formal preliminary approval in order to, vest the Plan from changes in Borough ordinances, phase development, and provide additional time to complete conditions of approval.
- B. Submission Requirements. The following items are required in order for a preliminary plan to be accepted for review:
- (1) Three (3) copies of the preliminary plan, 24 inches by 36 inches;
  - (2) Six (6) copies of the preliminary plan, 11 inches by 17 inches;
  - (3) Two (2) copies of all reports, notifications and certifications that are provided on the Plan, including Storm Water Management Plans and calculations;
  - (4) One (1) copy of the application form completely and correctly executed, with all information legible, and bearing all required signatures;
  - (5) The required filing fee as established from time to time by resolution by the Council;
  - (6) An electronic copy of the plan and all supporting documents in PDF format; and
  - (7) All other items listed under Article VII, Plan Requirements.
- C. Types of plans. One of the following plans, as appropriate, shall be filed with the application:
- (1) Preliminary subdivision plan. The preliminary subdivision plan is to be filed whenever approval is sought to subdivide a parcel of land, unless a lot-line change plan may be properly submitted.
  - (2) Preliminary land development plan. The preliminary land development plan is to be filed whenever land development approval is sought.

- (3) Lot-line change plan. The lot line change plan is to be filed whenever approval is sought to shift lot lines or to merge lots. A lot-line change plan may be waived from review by the Lancaster County Planning Commission (if the Borough and the Lancaster County Planning Commission agree) if the applicant provides a Lancaster County Appendix 24 form signed by the Borough Secretary.
- D. Procedure upon acceptance of submission. When an application is accepted for review, the Borough Secretary shall forward complete sets of the application, including plans and all appropriate documentation, to the Commission, Zoning Officer, Borough Engineer, Borough Solicitor, and other persons as the Borough may deem appropriate.
- E. Reviews.
- (1) Review by the Zoning Officer. The Zoning Officer shall review the application documents to determine if they are in compliance with Chapter 270, Zoning. He shall prepare a written report stating his findings and recommendations.
  - (2) Review by the Borough Engineer. The Borough Engineer shall review the application documents to determine if they are in compliance with this chapter, Chapter 226, Stormwater Management, Chapter 232, Streets and Sidewalks, applicable state and federal statutes and regulations, other applicable Borough ordinances, Borough standards, and good engineering practices. He shall prepare a written report stating his findings and recommendations.
  - (3) Review by Borough staff. Borough staff shall review the application documents to determine if they are in compliance with this chapter, the Comprehensive Plan, and any other planning documents that may be adopted by Council. He shall prepare a written report stating his findings and recommendations.
  - (4) Review by Borough Solicitor. The Borough Solicitor shall review the application documents to determine the legal documents and agreement(s), and the terms and conditions to be contained therein, that should be required as a condition of approval to ensure compliance with applicable legal requirements and to legally protect the interests of the Borough with respect to the completion of the proposed development in accordance with the final plan. The Solicitor shall prepare a written report stating his findings and recommendations.
- F. Submission of plan revisions. When any modifications to the preliminary plans are requested by Borough staff or consultants, applicants shall submit revised plans to the Borough Secretary not later than 14 days prior to the date of the first meeting of the Council at which the plan will be considered; provided, however, that if said modifications result in a substantially different plan, a new formal application process shall be required, which shall follow all of the procedures and time requirements set forth herein.
- G. Closing of record and submission of additional plans.
- (1) Closing of record. The application record shall be closed 14 days before the Council meeting at which the plan will be considered to allow time to examine and study the plans and all appropriate documentation. No changes or amendments to the

application shall be received after this date unless the applicant shall apply for a rescheduling of the meeting at which the plan will be considered before the Council and make suitable provision for an extension of the review time.

- (2) Submission of additional copies of plans. Prior to the date set forth in Subsection G(1) above, the applicant shall submit such additional copies of plans, together with all appropriate documentation, and electronic copies as set forth in § 240-25.B, so that the Borough has the latest plans, supporting documents and reports on file, and the Council has reviewed the latest revised site plans.

#### H. Commission review.

- (1) The Commission shall conduct reviews of plan submissions at the next scheduled meeting which is at least three weeks following the date of submission.
- (2) The Commission shall review the application to determine if it meets the standards set forth in this chapter.
- (3) Following review at a public meeting, the Commission shall submit the preliminary plan to the Council together with its analysis and recommendations, including those of Borough staff, the Borough Engineer, and the Borough Solicitor.

#### I. Council review and action.

- (1) Council shall act upon the plan application not later than 90 days following the date of the next regular meeting of the Commission following the date on which the application is deemed accepted for filing under § 240-24 of this chapter, provided that should said next regular meeting of the Commission occur more than 30 days following the date the application is deemed accepted for review, said 90 day period shall be measured from the 30<sup>th</sup> day following the day the application has been deemed accepted for review.
- (2) Plans shall be presented by the Borough staff at the regular meeting of the Council following the first presentation of the plan to the Commission. Following complete review by the Commission, including its recommendations, the Council shall place the plan on its agenda for review and action.
- (3) The Council shall conduct reviews of plan submissions at the next scheduled meeting only if the plan and accompanying documents were filed in full at least 14 days prior to that meeting.
- (4) The Council shall render its decision in accordance with applicable requirements of the MPC.
- (5) The decision of the Council 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.

- J. Approval subject to modification or condition. The Council may approve the preliminary plan, in whole or in part, or may subject the plan to modifications or conditions or may disapprove the plan.
- (1) If the preliminary plan is approved subject to conditions, the applicant shall either personally at a public meeting or in writing approve or reject such conditions within five (5) days of receiving notice, either personally or in writing, of such conditions. For purposes of this subsection, notice to a person presenting the plan on behalf of the applicant, whether such person is the applicant himself, a relative of the applicant, an officer of the applicant, an attorney, a surveyor, an engineer or otherwise, shall be notice to the applicant, and such person presenting the plan on behalf of the applicant shall be deemed to have authority to, on behalf of applicant, accept or reject such conditions. The failure to accept or reject such conditions within the five-day period shall be considered to be a rejection of the same, and conditional approval by the Council shall be automatically revoked. The applicant shall be notified in writing within ten (10) days following the expiration of the five-day period of the plan rejection; provided, however, that failure to notify the applicant of such plan rejection shall not constitute a deemed approval.
  - (2) If the application is disapproved, the Borough or the Borough Solicitor shall notify the applicant, in writing, of the defects in the application and shall identify requirements which have not been met, through citing the provisions of the statute or ordinance relied upon.
- K. Satisfaction of conditions. Within one (1) year after the meeting of the Council at which a preliminary plan is conditionally approved, the applicant shall submit to the Borough evidence that the applicant has satisfied all conditions upon approval of the preliminary plan together with an electronic file copy, one (1) Mylar copy, 24 inches by 36 inches, and one (1) paper copy, 24 inches by 36 inches, of the preliminary plan revised to reflect compliance with all conditions. Such copies shall have all pertinent signatures, seals and certifications. Failure to satisfy conditions or submit the required copies shall result in the expiration of preliminary plan approval.
- L. Effect of approval.
- (1) Approval of the preliminary plan shall constitute approval of the subdivision as to the character and intensity of development and the arrangement and approximate dimensions of streets, lots and other planned features, but shall not authorize sale of lots or any construction. To change, relocate or remove a street from an approved preliminary plan, a new plan must be submitted by the owners of the land over which the street was laid out and be approved by the Council .
  - (2) Upon approval of the preliminary plan by the Council , the streets shown thereon shall constitute easements over the property for the purpose of construction.
  - (3) Approval of the preliminary plan shall confer upon the applicant such rights as are set forth in Article V of the MPC.

- (4) In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, the applicant shall file a schedule with the preliminary plan delineating all proposed sections, as well as deadlines within which applications for final plan approval of each section are intended to be filed.
  - (a) The applicant shall update said schedule annually on or before the anniversary of preliminary plan approval until final plan approval of the final section has been granted.
  - (b) Any modification in the aforesaid schedule shall be subject to the approval of the Council in its discretion.
  - (c) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units depicted on the preliminary plan, unless a lesser percentage is approved by the Council .

**§ 240-26. Final plans and preliminary/final plans.**

A. When required.

- (1) When all conditions of approval required by the preliminary plan approval have been obtained as required by this chapter, the developer may prepare a final plan in accordance with § 240-65 showing all lot lines, improvements and other features of the subdivision or land development.
- (2) When a preliminary plan is not required by this chapter, the developer may prepare a preliminary/final plan in accordance with § 240-65 showing all lot lines, improvements and other features of the subdivision or land development.

B. Submission and approval.

- (1) The number of copies and the type of copies of a final or preliminary/final plan to be submitted shall be in accordance with the requirements in § 240-25.B. The plans and accompanying documents shall be submitted to the Borough Secretary.
- (2) The final or preliminary/final plan shall be reviewed and acted upon in accordance with the procedure set forth in § 240-25.D through § 240-25.J.

C. Satisfaction of conditions. If the Council conditions its final plan approval upon receipt of additional information, changes, or notifications, such data shall be submitted or plan alterations noted on two paper copies of the plan submitted to the Council for approval. Such data shall be submitted to the Council within 180 days of its conditional approval, unless the Council grants a waiver by extending the effective time period.

D. Certification. After approval by the Council and satisfaction of conditions, five reproducible copies of the sizes and type specified by the Recorder of Deeds shall be submitted to the Borough Secretary, accompanied by an application for signature. The developer shall also provide one electronic copy of the final or preliminary/final plan in the format specified by the Borough Engineer. Final and preliminary/final plans shall not be signed by the Council

if submitted more than 90 days from the Council's final approval action unless the Council grants a waiver extending the effective time period for approval.

- E. The entire preliminary plan need not be submitted as a final plan. The final plan may be submitted in sections, each covering a portion of the entire proposed subdivision shown on the preliminary plan. The Council may determine what constitutes a logical section in keeping with the best interests of the Borough.
- F. If the entire preliminary plan is not submitted as a final plan and thus not approved or recorded as a final plan, within one (1) year from the approval of the preliminary plan, the Commission shall determine, as final plans are submitted, that conditions have or have not changed since the time of the preliminary plan approval to require the submission of another preliminary plan before considering the final plan for approval.

**§ 240-27. Expedited processing of certain plans.**

Any applicant who elects to take advantage of the sketch plan process, will, at the Applicant's option, have the right to proceed to a preliminary/final plan and forego the preliminary plan phase/processing requirements. Any land development that is to be phased shall be required to have a preliminary/final plan submitted for each phase. Additionally, Applicants for approval of a lot line change plan shall be permitted to file a single application for preliminary/final plan approval.

All plans that are filed for expedited processing shall be processed in accordance with § 240-26 herein, but shall not be required to be submitted for review as required by § 240-25. All applicants who seek expedited processing for a lot-line change plan in accordance with this section shall submit plans and documentation in accordance with the requirements of § 240-66.

**§ 240-28. Improvement construction plans.**

The procedures set forth in this section shall apply as an alternative to the guaranteeing of improvements through a letter of credit or other financial security. An applicant whose improvement construction plan is approved under this section is permitted to install all or part of the improvements required by this chapter prior to final plan submission.

- A. Improvement construction plan application. After an applicant has received official notification that the preliminary plan has been approved and the required changes, if any, have been made, an application may be processed for an improvement construction plan. The improvement construction plan may be submitted in sections, each section covering a reasonable portion of the entire proposed subdivision, as shown on the approved preliminary plan.
- B. Application requirements. All improvement construction plan applications shall be made and processed in accordance with § 240-26.

**§ 240-29. Recording of final plans and preliminary/final plans.**

- A. Within the required timeframe established by §513 of the MPC, the final plan or preliminary/final plan shall be recorded in the office of the Recorder of Deeds in and for

Lancaster County. If the final plan or preliminary/final is not recorded within the specified time, the approval shall become null and void, unless the applicant shall have obtained an extension of time from the Council in which to record the plan. The final plan or preliminary/final plan shall be recorded as specified before proceeding with the construction of improvements or the sale of lots.

- (1) If the applicant desires an extension of time in which to record the approved final plan, the applicant shall submit a request for such an extension of time in writing to the Borough Secretary. All such requests shall be for a maximum time period of 90 days and shall be submitted at least one (1) week prior to the expiration of the period within which the plan must be recorded.
  - (2) The Council shall consider all requests for extensions of time to record approved plans at a public meeting, and the applicant shall be notified of the Council's action.
- B. Recording the final plan or preliminary/final shall have the effect of an irrevocable offer to dedicate all streets and other public ways to public use and to dedicate or reserve all park reservations and school sites and other public areas to public use, unless reserved by the developers as hereinafter provided. The approval and subsequent recording of the plan shall not impose any duty upon the Borough concerning maintenance or improvement of any such dedicated streets, parks, areas or portions of same until the Council shall have accepted the same by ordinance or resolution.
- C. The developer may place a notation on the final plan to the effect that there is no offer of dedication to the public of certain designated public areas or (in unusual circumstances) streets or alleys, in which event the title to such areas shall remain with the owner, and the Borough shall assume no responsibility for improvement or maintenance thereof, which fact shall also be noted on the final plan.

#### **§ 240-30. Changes to recorded plans.**

- A. Any redevelopment or resubdivision, including changes to a recorded plan, shall be considered as a new application and shall comply with all requirements of this chapter, except that changes may be made to a recorded plan, provided that, in making such changes:
- (1) The original application shall have been made for residential purposes, and the residential character and use of the land shall be maintained.
  - (2) No lot or tract of land shall be created that does not meet the minimum design standards required by this chapter and other applicable Borough ordinances.
  - (3) No structure shall be relocated which does not meet the minimum design standards required by this chapter and other applicable Borough ordinances.
  - (4) No increase shall be made in overall density of the development.
  - (5) No easements, access drives, rights-of-way or stormwater management facilities shall be changed.



- (6) No street locations, block sizes, or point of access onto an existing Borough or state street shall be changed.
- B. In every case where a plan alteration conforms to the above, the applicant shall:
- (1) Submit to the Borough Secretary two (2) paper copies of the revised final plan, one (1) electronic copy, and one (1) application form. Upon review of the revision, the Borough Secretary shall notify the applicant, in writing, whether or not the revision complies with the above requirements.
  - (2) If the revision complies, the applicant shall prepare two (2) plans, which shall specifically identify the alterations to the previously recorded plan.
  - (3) The applicant shall submit the plan to the Council for certification as specified in Article III of this chapter and to the Borough for signature as specified in § 240-29 of this chapter.
  - (4) The plan shall be recorded as specified in § 240-29 of this chapter.

#### **Article IV. Improvement Construction Assurances**

##### **§ 240-31. Completion of improvements; guarantees.**

- A. 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, stormwater management facilities or other improvements, as may be required by this chapter have been installed in accordance with this chapter, except that the surface course of streets shall not be completed until such time as 90% of the lots in the subdivision or land development have been improved by the construction of a dwelling if approved for residential development or by the construction of the proposed commercial or industrial structures if the lots are approved for such uses. In lieu of completion of the surface course of streets, as well as in lieu of completion of other improvements required as a condition for final plan approval of a plan, at the discretion of the developer, such developer may deposit with the Borough, as applicable, a letter of credit or other financial security authorized by the MPC and acceptable to Council in an amount equal to 110% of the estimated cost of the required improvements at a time 90 days following the date scheduled for completion of the respective improvements by the developer. The estimated cost of the surface course shall be computed separately from the estimated cost of completing the other improvements and shall be based upon the developer's projected timetable for completion of the development.
- B. The amount of financial security shall be determined and annually adjusted in accordance with all applicable requirements of the MPC.
- C. Where public sewer service and/or public water service is proposed by a plan, the developer shall post financial security with the Authority. No plan shall be released for recording until

the Authority has confirmed receipt of the financial security required under applicable statutes and regulations.

- D. The Borough shall process requests for reduction of financial security in accordance with the requirements of the MPC.
- E. The value of the work completed shall be determined by subtracting 110% of the estimated cost of the completion of the remaining uncompleted work from the total amount of security deposited.
- F. At such time as 90% of the lots in the subdivision have been improved as set forth above or, if at the expiration of three (3) years from the date all of the improvements excepting the surface course have been completed, less than 90% of the lots have been so improved, the borough may notify the developer to complete the surface course within 60 days from the date of such notice. In computing the 60-day requirement, the period from October 1 to April 1 may not be counted.
- G. If at the time the surface course is completed, 90% of the lots are not improved as set forth above, the developer must:
  - (1) Post with the Borough financial security in an amount equal to 15% of the reasonable cost of the surface course as security to guarantee that damages to the road or street would not occur during the completion of the improvements on the unimproved lots in such developer's subdivision or land development. The Borough shall hold such financial security and utilize it to pay for the repair of any damage occurring to the road during the period between the commencement of improvements on any particular unimproved lot and the completion of such improvements irrespective of whether or not it can be established that the damage to the road was caused by contractors or other persons working in and about the construction of such improvements; or
  - (2) Present to the Borough agreements signed by the owners of all of such unimproved lots pursuant to which they will agree to pay to the borough the cost of repairing any damage occurring to roads in such subdivision during the period between the commencement of work on the improvements to their lot and the completion of such improvements irrespective of whether or not it can be established that such damage was caused by contractors or other persons involved in the improvement of their respective lot.

#### **§ 240-32. Release from financial security.**

The Borough shall process requests for release of financial security in accordance with the MPC.

Improvements shall not be considered completed unless the developer can demonstrate compliance with the requirements of this chapter, Chapter 232, Stormwater Management, Chapter 226, Streets and Sidewalks, and all other applicable ordinances, statutes and regulations. Improvements shall also not be considered complete until as-built plans of all improvements to be dedicated to the borough and of all streets, whether or not such streets shall be dedicated, have been submitted to the borough, as applicable.

**§ 240-33. 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 accordance with the approved final plan, the Council may enforce any letter of credit or other financial security by appropriate legal and equitable remedies. If proceeds of such financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Council may, at its option, install such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action or recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, after deducting the costs of collection, whether resulting from the financial 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 Borough purpose.

**§ 240-34. Inspections during construction.**

The Borough and/or the Authority shall inspect the improvements during construction. The developer shall pay the costs of any such inspection in accordance with the provisions of Article V of the MPC. The developer shall provide at least 48 hours' notice prior to the start of construction of any improvements that are subject to inspection.

**§ 240-35. Dedication of improvements.**

- A. All improvements shall be deemed to be private improvements and only for the benefit of the specific subdivision or land development until such time as the same have been offered for dedication and formally accepted by the Borough or the Authority by ordinance, resolution, deed or other formal action or document. The developer shall submit as-built plans of all improvements which will be dedicated to the Borough or the Authority. Neither the Borough nor the Authority shall have any responsibility of any kind with respect to improvements shown on the final plan until the improvements have been formally accepted by the Borough or the Authority.
- B. The Borough and/or the Authority may require that the developer submit a maintenance guarantee to secure the structural integrity and functioning in accordance with the designs and specifications as depicted on the final plan for any improvement to be dedicated to the Borough or the Authority for a period of 18 months from the date of acceptance of dedication. Such maintenance guarantees shall be in a form acceptable to the Borough or the Authority Solicitor and shall be in the amount of 15% of the actual cost of installation of said improvements.

**§ 240-36. Effect of plan recording on dedication and reservations.**

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

- A. Dedicate all streets and other public ways to public use, unless such streets are indicated on said plan as private streets.

- B. Dedicate all neighborhood parks and all areas shown on the plan as being local recreation sites for public use.

**§ 240-37. As-built Plans.**

As-built plans of all street improvements, storm water management facilities, public water supply facilities, public sewage disposal facilities, and other public improvements shall be filed at the completion of construction and before any dedication for public use. One (1) set of as-built plans shall be on Mylar and one (1) set of as-built plans shall be in an electronic format acceptable to the Borough Engineer. The as-built plan sets shall be filed with the Borough Secretary. Such plans shall be filed prior to release of the guaranty and issuance of the completion certificate by the Borough Engineer.

**§ 240-38. (Reserved)**

**§ 240-39. (Reserved)**

**§ 240-40. (Reserved)**

## **Article V. Development Standards**

**§ 240-41. Minimum standards.**

- A. The standards and requirements contained in this chapter shall apply as minimum design standards for subdivisions and/or land developments in the Borough. In addition, subdivisions and/or land developments shall be designed to comply with the requirements of Chapter 270, Zoning; Chapter 226, Stormwater Management; Chapter 232, Streets and Sidewalks; Chapter 210, Sewers and Sewage Disposal; Chapter 255, Vehicles and Traffic; and Chapter 261, Water, of the Code of Ordinances, the regulations of the Authority, and the statutes and regulations of state and federal agencies, as applicable.
- B. All proposed subdivisions and/or land developments shall be designed, laid out, arranged, constructed, and coordinated with all presently existing facilities and improvements which serve the tract proposed to be developed, including but not limited to the: a) transportation network; b) sewer collection, conveyance and treatment facilities; c) water supply and distribution facilities; and d) storm water management facilities, as necessary to accommodate prospective traffic, provide adequate sewer and water service, promote proper storm water management, facilitate fire protection, prevent flooding.
- C. All proposed subdivisions and/or land developments shall conform to the Comprehensive Plan, including any Designated Growth Area, the Official Map, the Park and Recreation Plan, and any regulations or plans adopted in furtherance thereof.
- D. All proposed subdivisions and/or land developments shall also be designed, laid out, arranged, constructed and coordinated to insure that abutting properties will continue to have safe and convenient access in accordance with the standards of this chapter or, if such

properties do not presently have such access, to have access at least equal to the level existing prior to the proposed subdivision and/or land development.

- E. The applicant shall submit studies and reports with the preliminary plan and the final plan that shall clearly identify any assumed, proposed and required improvements to existing facilities. If an applicant submits a study, report or plan which contains improvements assumed to be installed by others and compliance with the design standards in this chapter is based upon the completion of such assumed improvements, the design standards of this chapter shall not be considered as met unless the applicant presents evidence that a governmental entity has budgeted funds and/or has entered into contracts for the assumed improvements or unless a plan for another development that proposes the installation of such improvements has been approved and recorded.

#### **§ 240-42. General standards.**

All subdivisions and land developments shall comply with the following general standards:

- A. Land subject to flooding, wetlands, or other land which is unsuitable for development shall not be separately subdivided from a tract unless such land shall be designed as a recreation area, nature preserve, common open space or other use which will not lead to development of the area in a manner prohibited by any applicable regulations. Such land may be included within the limits of lots that contain sufficient buildable area in accordance with the requirements of applicable standards as yard area, landscaping, and other areas which shall not be improved with structures or impervious surfaces.
- B. Future rights-of-way (i.e., rights-of-way reserved for future street improvements) shall be designed in conformance with the design requirements of a street, and the contiguous parcels must contain proper setbacks and sight distances. The area within the future right-of-way shall be included within the deeds to the abutting lots with an easement in favor of the Borough and landowners of the land into which the future right-of-way will extend to permit the use of the future right-of-way for public street purposes should the adjoining lands be developed. The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way, and this duty shall be indicated in a note on the final plan and in all deeds to such lots. The landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement of such future right-of-way for street purposes.
- C. Compliance with zoning decisions required.
  - (1) Whenever Chapter 270, Zoning, provides that the use proposed by the applicant for subdivision or land development approval shall constitute a use by special exception or conditional use, the applicant shall obtain such special exception or conditional use approval from the Zoning Hearing Board or Council, as applicable, prior to the submission of the preliminary plan; however, a developer may submit an informal sketch plan for comment by Borough staff, consultants, and the Commission concurrently with an application for special exception or conditional use approval.

- (2) Whenever the applicant proposes to develop a subdivision and/or land development in a manner that would require a variance from any requirements of Chapter 270, Zoning, the applicant shall obtain such variance from the Zoning Hearing Board prior to the submission of a formal subdivision and/or land development plan; however, a developer may submit an informal sketch plan for comment by Borough staff, consultants, and the Commission concurrently with an application for variance approval.
  - (3) The submission of a formal subdivision and/or land development plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such variance, special exception or conditional use by the Zoning Hearing Board or Council, as applicable.
- D. Compliance with prior plans required. Whenever all or a portion of the land contained within an application for subdivision or land development approval constitutes all or a portion of land included in a prior subdivision or land development plan approved by the Borough and recorded in the Office of the Recorder of Deeds in and for Lancaster County, Pennsylvania, the plan shall comply with all conditions, restrictions and notes imposed on the prior approval and/or included upon the recorded subdivision or land development plan. The applicant shall identify all prior recorded subdivision and/or land development plans of which all or a portion of the land contained in the plan was a part and all conditions, restrictions and notes which affect the current application. Failure to identify all applicable conditions, restrictions and notes of record on prior plans constitutes a violation of this chapter. The applicant shall submit with the application for preliminary plan approval a statement identifying the prior plans reviewed; the conditions, restrictions and notes which would impact development in accordance with the plan for which approval has been requested; and an explanation of the manner in which the proposed plan has been designed to comply with such conditions, restrictions and notes. This information shall be signed by the applicant or the applicant's engineer or landscape architect.

#### **§ 240-43. Streets.**

- A. Conformance to adopted plans. The proposed street pattern shall be properly related to existing streets, to the Comprehensive Plan, to the Official Map and to such county and state road and highway plans as have been duly adopted.
- (1) Existing roadway classifications. For the purposes of this chapter, the Borough's existing streets shall be classified in accordance with the Official Map.
  - (2) Proposed roadway classifications. All proposed streets shall be designed and constructed in accordance with Subsection H, below.
- B. Private streets. Private streets may be used provided the Council, upon recommendation of the Commission, determines that no public benefit will be served by dedication of the street to the Borough, construction of a private street will not preclude road improvements identified in the Comprehensive Plan, the Official Map, or any relevant county and state road and highway plans that have been duly adopted, and that all private streets will be

constructed to the design standards of a public local street. Applications that propose a private street shall be accompanied by a recorded declaration or an agreement, that is satisfactory to the Borough and the Borough Solicitor, and which shall be recorded with the Lancaster County Recorder of Deeds as part of a final plan. This agreement shall establish the conditions under which the private street will be constructed and maintained in accordance with the design approved on the final plan, and shall, at a minimum, stipulate the following:

- (1) Ownership interest in the private street.
  - (2) The private street must not provide any limitation on users unless identified in the agreement.
  - (3) A statement indicating that civil court, not the Borough, is responsible for mitigating differences relating to the agreement.
  - (4) The method for assessing maintenance and repair costs of the private street.
  - (5) That an agreement by the owners of fifty-one percent (51%) of the front frontage thereon shall be binding on the owners of the remaining lots.
  - (6) Provide easement areas for the purpose of snow and ice removal.
  - (7) Private streets shall not be offered for dedication as a public street unless the private street is restored to Borough design standards for public streets. The costs of restoring the street to public street design standards shall be at the cost of the landowners abutting the private street. The offer for dedication of the street shall be made only for the street as a whole. The agreement shall specifically state that the Borough is under no obligation to accept dedication of the private street even if the private street is restored to the standard of public street design.
- C. Arrangement. Streets shall be designed with consideration to existing streets and intersections studied in the traffic impact study, all planned streets and intersections included on other subdivision or land development plans, and all streets included in the Comprehensive Plan and/or Official Map adopted by the Borough.
- (1) Where a subdivision or land development abuts or contains an existing or proposed major traffic street, the Council, upon recommendation of the Commission, may require marginal access streets, reverse frontage lots or such treatment as will provide protection for abutting properties, reduction in the number of intersections with the major traffic streets, and separation of local and through traffic.
  - (2) All streets shall be arranged to conform as closely as possible to the original topography, streets which serve connector routes to population centers shall be connected with streets of similar function, to form continuations thereof.
  - (3) If the lots in the development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such eventuality shall be provided.

- (4) Proposed streets within the development shall be laid out to provide convenient and safe access to each lot and/or structure and/or parking lot proposed as part of the development of the tract.
- D. Half streets. Half or partial streets (less than the required right-of-way or cartway width) will not be permitted. All plans shall be designed to provide for the entire required right-of-way and cartway widths.
- E. Street names, street name signs and traffic control signs.
- (1) Continuation of existing streets shall be known by the same name. Names for new streets shall not duplicate nor closely resemble names of existing streets within the same postal area.
  - (2) All new street names are subject to approval by the Borough, the Address Manager for the District Post Office that serves the Borough and also the Lancaster County-Wide Communications office; letters of approval from the Address Manager and Lancaster County-Wide Communications must be provided with the application for a final plan.
  - (3) Street name signs shall be installed by the developer at all new street intersections. The design and placement of such signs shall be subject to approval by the Borough.
  - (4) A developer shall be responsible for installing at least two (2) street name signs at each four-way street intersection and one (1) at each "T" intersection.
  - (5) Street name signs shall be free of visual obstruction. The design of street name signs should be consistent, of a style appropriate to the Borough, character of the development or zoning district in which the development is located, of a uniform size and color and erected in a manner that is to be approved by the Borough.
  - (6) Private streets shall be provided with street name signs in conformance with this section. The plan shall note that it is the responsibility of the developer to install the street name signs for private streets.
  - (7) Design and placement of traffic control signs shall follow the requirements of the Borough and PennDOT. The installation of the signs shall be the responsibility of the developer. Any costs of traffic studies that are required to be completed prior to installation of any traffic control signs shall be the responsibility of the developer. All traffic signs shall be free of visual obstruction.
- F. Street alignment. Horizontal street alignments shall be measured along the center line.
- (1) Horizontal curves.
    - (a) Horizontal curves shall be used at all angle changes in excess of two degrees (2°).
    - (b) Single long radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, tangent segments.
    - (c) The minimum radius for curves on arterial streets shall be 500 feet; for collector streets, 300 feet; and for local streets, it shall be 150 feet. Proper superelevation shall be provided for curves on arterial streets.



- (d) Except for minor streets, there shall be a tangent of at least 100 feet between reverse curves.
- (2) Perimeter streets. Plans with street locations along the perimeter of a property shall be required to show building setback lines and clear sight triangles within the adjacent properties; permission shall be obtained from the adjacent landowner and additional right-of-way must be granted.
- (3) Cartway alignment. The center line of the street cartway shall correspond with the center line of the street right-of-way.
- (4) Horizontal curve centerline radii shall be designed in coordination with vertical geometry subject to the approval of the Borough Engineer. The minimum acceptable centerline radii shall be determined based on the appropriate relationship between the design speed and curvature and on their joint relationships with superelevation (roadway banking).

#### G. Vertical Alignments.

- (1) There shall be minimum grade of one percent (1%) on all streets and a maximum grade of six percent (6%) on arterial and connector streets and 10% on minor streets.
- (2) Vertical curves shall be used in changes of grades exceeding one percent (1%), and the length of the vertical curve shall be determined based on the minimum rate of vertical curvature (K) as specified below:

Initial Speed (mph)	Curvature, K <sup>1</sup> (ft/%) Crest	Curvature, K <sup>1</sup> (ft/%) Sag
15	3	10
20	7	17
25	12	26
30	19	37
35	29	49
40	44	64
45	61	79
50	84	96
55	114	115

<sup>1</sup>Rate of vertical curvature, K = length of curve (L) per percent algebraic difference (A) in the intersection grades (K=L/A)

- (3) Intersections.
- (a) Where the approaching grade exceeds seven percent (7%) on any or all streets at a four-way street intersection, access drive, or the terminating street at a three-way intersection, leveling areas shall be provided on the street(s) with such excessive grade. Such leveling area(s) shall have a maximum grade of four percent (4%) for a minimum length of seventy five (75) feet measured from the intersection of the center lines.

- (b) Vertical curves are not required for stop-controlled approaches at intersections of streets provided the algebraic difference in grade is less than eight percent (8%).
- (4) The grade within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall not exceed five percent (5%).
- (5) All new streets shall be graded to the right-of-way line in accordance with the following:
  - (a) All grading shall be substantially consistent with the street center line. The maximum slopes of banks located outside the street right-of-way, measured perpendicular to the right-of-way of the street, shall not exceed 3:1 for fills and 2:1 for cuts.
  - (b) The Council, upon recommendation of the Commission, may accept steeper slopes to avoid disruption of significant natural features, provided adequate safety and maintenance issues are addressed.
  - (c) Guide rail protection is required along embankments when a barrier is indicated as warranted in the latest version of PennDOT Design Manual Part 2, Highway Design. Guiderail shall be constructed to PennDOT specifications.

H. Street right-of-way and cartway widths.

- (1) Minimum street and cartway widths shall be as follows, unless otherwise specified on the Official Map or county or state highway plans that have been duly adopted:

Street Classification	Cartway (feet)	Right-of-Way (feet)
Arterial street	36 with curb (no parking) or as determined after consultation with PennDOT	60 or as determined after consultation with PennDOT
Collector street	40 with curb (parking both sides) 32 with curb (parking one side) 28 with curb (no parking)	60
Local street	34 with curb (parking both sides) 28 with curb (parking one side) 24 with curb (no parking)	50
Alley	16	20
Turnaround of cul-de-sac	80 in diameter to outside curb	100 (diameter)

- (2) Extension of existing streets. The extension of existing streets which are presently constructed with a cartway different from the standards of this chapter shall be provided with a transition area, the design of which is subject to approval by the Borough Engineer and ultimately the Council.
- (3) Street construction standards. Street construction standards shall be in conformance with the provisions of Chapter 232, Streets and Sidewalks.
- (4) Improvements of existing streets and intersections.

- (a) In cases where a subdivision or land development abuts an existing Borough and/or state street, the street shall be improved to the ultimate width in accordance with Subsection H(1) or as indicated on the Official Map, whichever is greater, and additional right-of-way shall be provided, concrete curbing and sidewalk, and any other street improvements that are required by this Chapter, shall be constructed.
- (b) In cases where the development is situated only on one (1) side of an existing street, the Borough may require that only that side of the street be improved.
- (c) Where the developer of the subdivision or land development is required to provide a traffic study and report under § 240-62.B and the traffic study and report indicates that improvements are required as provided in § 240-62.B, the developer shall install improvements, including but not limited to traffic signals, traffic control devices, additional traffic lanes, traffic dividers and highway markings.
- (d) When the Borough determines that the required improvements are not feasible at the time of development of the use, the developer shall deposit funds with the Borough in the amount of 110% of the cost of improvements computed in accordance with § 240-31 of this chapter, the amount of the deposit shall be submitted for approval by the Borough Engineer, or, the applicant shall also have the option to enter into an agreement that would defer road improvements to a time the Borough would deem such road improvements as feasible. The deferred road improvement agreement shall be recorded at the Lancaster County Recorder of Deeds office and contain content that is suitable to Council and the Borough Solicitor. Any developer choosing to enter into a deferred road improvement agreement must note on the final plans that all required road improvements shall be constructed within six (6) months of notification from the Borough.
- (e) State roadways.
  - [1] If the traffic impact study indicates that improvements must be made to a state street, the developer shall also take all necessary action to obtain PennDOT permits and/or approvals to install the necessary street widening and/or traffic signals or traffic control devices.
  - [2] If the developer requires the Borough to submit any permit applications or requests for approvals in the name of the Borough, the developer shall reimburse the Borough for all costs and expenses incurred by the Borough in connection with its review of the application and submission of the application to PennDOT or any other governmental agency. The developer shall bear all costs and expenses in connection with the improvements required. The developer shall, prior to release of the final plan for recording, enter into an agreement, which shall be recorded, with the Borough concerning future maintenance of any drainage facilities, curb, or sidewalk to be installed where the Borough is the permittee. The owner of the abutting land shall be responsible for future maintenance of all drainage facilities, curb, and sidewalk

and shall be responsible for compliance with any conditions which PennDOT may impose on approval of such permit.

I. Street intersections.

- (1) Multiple intersections involving the junction of more than two (2) streets are prohibited.
- (2) The distance between the centerline of streets intersecting with through streets shall be determined by the classification of the through street being intersected. The minimum separation distance shall be measured along the centerline of the through street being intersected and shall conform with the following:
  - (a) No less than 150 feet between centerlines along local streets.
  - (b) No less than 275 feet between center lines along collector streets.
  - (c) No less than 800 feet between centerlines along arterial streets.
- (3) Right-angle intersections shall be used whenever practicable, but in any case, the angle of intersection of the street center lines shall not be less than 75°.
- (4) Street curb intersections shall be rounded by a tangential arc with a minimum radius of 20 feet for local streets and 30 feet for intersections including collector or arterial streets. Radius corners or diagonal cutoffs shall be provided on the property lines substantially concentric with, or parallel to, the chord of the curb radius corners.
- (5) Where appropriate, the Council, upon recommendation of the Commission, may require additional traffic lanes to facilitate turning movements at existing or proposed street intersection within or bordering the site. These additional lanes, including acceleration/deceleration lanes and lane transition areas, shall be provided in accordance with the latest PennDOT standards and regulations.
- (6) All street intersections with a state highway shall be subject to the approval of PennDOT.

J. Clear sight triangles and stopping sight distance at street intersections.

- (1) Clear sight triangles. There shall be provided and maintained at all intersections a clear sight triangle. The triangle shall be formed by the center lines of the two (2) intersecting streets and the stopping sight distance, as defined in Subsection J(2) below, in both directions along the center line of the intersected street. (See Appendix No. 1). Clear sight triangles shall be indicated on all plans, and a note shall be provided on the plans which states that no structures, landscaping or grading may be constructed installed or performed within the area of the clear sight triangle which would obscure the vision of motorists. Deeds to lots which contain clear sight triangles shall provide that no structure, landscaping or grading shall be erected, installed or performed within the area of the clear sight triangle which will obscure the vision of motorists.
- (2) Stopping sight distance (SSD):
  - (a) Calculation of stopping sight distance.

- [1] Street, access drive and driveway intersections shall be located at a point which provides optimal sight distance in both directions.
- [2] For each intersection, the available sight distance for each direction shall equal or exceed the stopping sight distance computed from the following formula:

$$SSD = 1.47Vt + V^2/[30 \times (f \pm G)]$$

Where:

SSD = Stopping sight distance (feet).

V = Speed limit or 85th percentile speed in accordance with Subsection J(2)(a)[3] or safe operating speed.

t = Perception time of driver (2.5 seconds).

f = Coefficient of friction for wet pavement.

G = Percent grade of roadway divided by 100.

- [3] If the 85th percentile speed varies by more than ten (10) miles per hour from the speed limit, the borough may require the 85th percentile speed to be used to determine stopping distance.
- [4] Appendix No. 2 depicts stopping sight distance for selected speeds. The sight distances in Appendix No. 2 apply for roadway grades in whole numbers from +13% to -13% along with speeds from 15 to 55 miles per hour in increments of five (5) miles per hour. The designer may use this table in lieu of the above formula.

(b) Measurement of sight distance.

- [1] The correct measurement of available sight distance at each proposed street intersection shall be the responsibility of the applicant.
- [2] For the purpose of measuring available sight distance, the height of both the driver's eyes and the approaching vehicle shall be three and a half (3.5) feet above the road surface. The lateral placement of vehicles on the roadway and at the proposed access point shall be consistent with the operation of the access and roadway.
- [3] For each direction, the shortest of the following measurements shall be considered the available sight distance for the direction:
  - [a] The maximum length of roadway along which a driver at the proposed intersection can continuously see another vehicle approaching the roadway. The driver's eyes at the proposed point of access shall be ten (10) feet back from the near edge of the closest travel lane.
  - [b] The maximum length of roadway along which a driver on the roadway can continuously see a vehicle which is located in his travel lane on the roadway in order to make a left turn into the proposed access or as a result of a left or right turn out of the proposed access.

- [c] The maximum length of roadway along which the driver of a vehicle intending to make a left turn into the proposed access can continuously see vehicles approaching from the other direction. This is measured from the point where the left-turning vehicle stops.
- (c) Inadequate sight distance remedies. If it is impossible to achieve required stopping sight distance in both directions the borough may:
- [1] Prohibit left turns by entering or exiting vehicles;
  - [2] Require alteration of the horizontal or vertical geometry of the roadway, access drive, or driveway; all such work shall be at the expense of the applicant;
  - [3] Require removal of physical obstruction from the line of sight, at the expense of the applicant; or
  - [4] Deny access to the roadway.
- (3) Proper sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections.
- (4) All street intersections with a state highway shall be subject to the approval of PennDOT.
- K. Cul-de-sac streets.
- (1) To the greatest extent possible, through streets shall be provided. The feasibility of a through street will be based on the physical features of the Tract proposed for development and/or adjoining lots, the potential for extension of the street to adjoining lands based on existing development patterns, restrictions imposed by other government regulations and other recorded documentation, and the ability of the design to meet all other requirements of this chapter. When cul-de-sac streets are proposed, the application shall be accompanied by a written analysis of the merits of the design and the reasons that a through street would not be feasible.
  - (2) The length of a cul-de-sac street shall be measured from the centerline intersection with the through street which is not a cul-de-sac to the center point of the turnaround.
  - (3) All permanent cul-de-sac streets shall have a minimum length of 250 feet. Temporary cul-de-sacs shall not have a minimum length.
  - (4) All permanent cul-de-sac streets shall not exceed 600 feet in length. Temporary cul-de-sac streets shall not exceed a length of 800 feet in length.
  - (5) All cul-de-sacs must terminate in a circular turnaround and must be constructed to the specifications of Subsection H(1).
  - (6) Any temporary cul-de-sac street designed for access to an adjoining property or for an authorized future phase of a development shall be provided with a temporary all-weather turnaround which is paved in accordance with the provisions of Chapter 232, Streets and Sidewalks. The use of such turnaround shall be guaranteed until such a time as the street is extended. Sidewalks along temporary cul-de-sacs shall be

continued at the same time the street is continued. The developer who extends a street which has been provided with a temporary turnaround shall remove the temporary turnaround and restore the area of the temporary turnaround.

- (7) Any cul-de-sac that is proposed to have a center landscaping island shall contain a turnaround that contains a minimum diameter of 90 feet and the ultimate right-of-way shall be increased to 110 feet. The drive lanes of a cul-de-sac containing a center landscaping island shall be a minimum of 12 feet wide and shall be posted as a one way turnaround. The landscaped trees, shrubs or plants within the landscaped island shall be highly tolerable to salt or other chemicals used for the purpose of melting snow and ice.

L. Streetlighting. Streetlighting shall be provided along all new streets. Streetlighting standards shall be as follows:

- (1) Streetlights shall be installed and spaced accordingly in order to provide the following lighting standards for streets:

Use	Location	Maintained Footcandles <sup>1</sup>	Uniformity Ratio (Max:Min.) <sup>2</sup>
Streets, Street Intersections and Street Signs	Residential Subdivisions and Land Developments	0.4 Min.	6:1
	Nonresidential Subdivisions and Land Developments	0.9 Min.	6:1

<sup>1</sup>Illumination levels are maintained horizontal footcandles in a particular location that project onto pavement or other area surface.

<sup>2</sup>Uniformity ratio is a measure of the dispersion of light on an area. The ratio is measured as maximum light level to minimum light level. Example: 6:1 for the given area, the maximum level of illumination should be no less than 6 times the minimum level of illumination (0.4 x 6 = 2.4)

- (2) Electrical installations for all lighting applications shall be in accordance with the prevailing regulations and specifications established by the appropriate electric service provider. It shall be the responsibility of the developer to have final construction approved by an electrical inspection agency and a written report attesting this fact submitted to appropriate electric service provider, thereby allowing the utility to provide pole illumination.
- (3) Lighting fixtures and pole styles shall be of a decorative nature and shall be designed appropriately for the lighting application that it is intended for. Lighting fixtures and pole styles shall be approved by the Borough. Streetlighting styles within all land developments shall be of the same style in all phases of the development and shall also be the same or similar to neighboring properties.
- (4) All lighting fixtures shall be arranged to allow the light to be directed downward onto the pavement or other surface area and street signs or other identification signs. All light and glare shall be directed away from roadways and buildings so not to present

glare to motorists, pedestrians or occupants of the building. Streetlights shall utilize a full lens, full cut-off shield fixture to ensure compliance with this section.

- (5) Poles for mounting lights shall not exceed 15 feet in height unless the developer can demonstrate to the satisfaction of the Borough Engineer that a higher pole height is necessary for larger lighting applications and that the added height will not present a violation of the lighting requirements of Chapter 270, Zoning.
- (6) All lighting fixtures shall be actuated by a photo-electric controlled switch.
- (7) The location of all streetlighting fixtures, fixture details, footer and mounting details, and photometrics shall be provided with the subdivision and land development plan.
- (8) Materials and cost of installation for lighting fixtures shall be the responsibility of the developer.
- (9) Dedication of streetlights. If Council accepts dedication of a public street, Council shall also accept dedication of street lighting facilities located within the right-of-way of the street.
  - (a) Until such a time as the Street lighting is dedicated, the developer of the tract (who has escrowed the street lighting) will be responsible for any and all costs associated with each streetlight. Such costs shall include, but not be limited to: administration, placement, and maintenance. Electrical charges shall be the responsibility of the Borough when accepted for dedication by the Borough.
  - (b) Streetlights not dedicated to the municipality will remain the responsibility of the developer or appropriate private entity including all costs and responsibilities for the lighting in perpetuity.

#### M. Alleys.

- (1) Alleys shall have the following characteristics:
  - (a) A property which utilizes an alley shall maintain frontage along a public or private street.
  - (b) An application that proposes alleys shall be accompanied by an agreement which shall be recorded with the final plan and which shall establish the conditions under which the alleys will be maintained.
  - (c) The final plan for recordation with the Recorder of Deeds shall include a plan note that identifies the specific alleys, the recorded maintenance agreement and a note that the alleys will not be accepted by the Borough and that the Borough will not assume any responsibility for their maintenance.
- (2) The cartway of all alleys shall be constructed as specified in the latest edition of PennDOT Publication 408. Additionally, all work shall be in conformance with Chapter 232, Streets and Sidewalks.
  - (a) The vertical and horizontal alignments of alleys shall conform to the specifications for local streets as stated in Subsections F and G, respectively.



- (b) Alley intersections shall conform to the specifications for local streets as stated in Subsections H and I, respectively.
  - (c) Alleys which form a cul-de-sac shall not exceed 400 feet in length, measured from the center line intersection of a street or private street that is not a cul-de-sac. Alley cul-de-sacs which do not terminate in a parking lot shall be provided at the terminus with a fully paved turnaround. The turnaround shall be designed in accordance with one of the following methods:
    - [1] An 80 foot paved diameter.
    - [2] "T" shaped turnaround with a 12 foot width and the flared portions rounded by a minimum radii of 20 feet.
  - (d) All alleys shall be privately maintained. The plan shall contain a note which shall state that the alley shall not be offered for dedication and shall be privately maintained.
  - (e) If an alley is to be for the common use of two (2) or more properties, the applicant shall provide for the maintenance of such alley. The applicant shall provide for private maintenance through the formation of a homeowners' association or through the setting forth of the maintenance responsibilities in easements in the deeds to the lots which have the right to use the alley. If a homeowners' association is formed, a document setting forth the maintenance responsibilities of such association and the right of such association to assess lots within the development shall be recorded at the same time as the final plan is recorded. All such documents shall be in a form acceptable to the Borough Solicitor.
  - (f) All persons who shall purchase a lot abutting or having the right to use an alley shall be given a copy of the final plan and, if a homeowners' association has been formed, shall be given a copy of all such documents relating to the maintenance responsibilities of such homeowners' association.
- N. Recommendations of traffic impact study. The requirements of this section apply where the traffic impact study prepared in accordance with § 240-62.B indicates that improvements are necessary or advisable to existing Borough and/or state streets and/or intersections within the traffic impact study area in order: 1) to assure adequate, safe and convenient access to each lot and/or structure and/or parking lot proposed as part of the development of the tract; 2) to accommodate the traffic due to the proposed development; 3) to provide for a level of service and delay for the design year, or years for phased projects, within the development which is at least equivalent to the projected level of service and delay for the design year(s) without the proposed subdivision or development; and/or 4) to preserve the existing convenience of access to or ability to exit from abutting properties that gain access from the existing street, the developer shall install all such indicated improvements.
- (1) The developer shall install additional traffic lanes, traffic dividers, traffic control devices, traffic signals, and other measures as appropriate to ensure that the

development of the tract does not adversely impact the existing street system and/or access to or the ability to exit from properties gaining access from an affected street.

- (2) If the traffic impact study indicates that improvements must be made to a state street, the developer shall also take all action necessary to obtain any PennDOT permits and/or approvals to install the necessary street widening and/or traffic signals or traffic control devices.
- (3) If the traffic impact study recommends installation of traffic signals or traffic signal modifications, the developer shall prepare all studies and submit all necessary applications to enable the installation of the traffic signal or modifications and shall install the traffic signal or modifications at their cost and expense.
- (4) If the traffic impact study indicates that traffic control devices or regulations, including but not limited to stop intersections, speed limit reductions, or parking prohibitions, are required, the developer shall prepare all studies necessary to justify imposition of such regulations in accordance with PennDOT regulations and shall pay all costs associated with the preparation and enactment of an ordinance to establish such regulations.
- (5) The developer shall bear all costs and expenses in connection with the improvements required by this § 240-43.N. If the developer requires the Borough to submit any permit applications or requests for approvals in the name of the Borough, the developer shall reimburse the Borough for all costs and expenses incurred by the Borough in connection with its review of the application and submission of the application to PennDOT or any other governmental agency.
- (6) When the Borough determines that the required improvements are not feasible at the present time, the developer shall deposit funds with the Borough in the amount of 110% of the cost of the improvements computed in accordance with the provisions of Section 509 of the MPC. Such funds shall be maintained by the Borough in a general account to be used for traffic improvements.

O. Other requirements.

- (1) When the proposed subdivision adjoins unsubdivided acreage, new streets shall be provided through to the boundary lines of the tract with temporary easements for turnarounds.
- (2) When a proposed subdivision shall extend the streets from an adjoining area which has been provided with a temporary turnaround or additional paving in accordance with Subsection O(1) above, the subdivider shall remove the temporary turnaround or the additional paving from the previously subdivided area and shall restore the area as a part of the extension of the street into the proposed subdivision.
- (3) In reviewing subdivision plans, the Council shall consider the adequacy of existing or proposed community facilities to serve additional dwelling units or nonresidential establishments proposed by the subdivision. The developer of any proposed residential subdivision or land development containing more than ten (10) units of occupancy and all non-residential land developments shall provide copies of the preliminary plan to

local emergency service providers for review as to the adequacy of access for emergency service vehicles. The developer shall provide the Council with a letter from local emergency service providers reviewing the proposed subdivision or land development or evidence that such a review was requested by the developer and the local emergency service providers did not review the proposed development.

**§ 240-44. Blocks and lots.**

- A. The configuration of blocks and lots shall be based upon the lot area requirements of Chapter 270, Zoning, the salient natural features, the existing man-made features, the proposed type of structure, existing and proposed traffic patterns, and land use type. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation. Lots where areas that are two (2) or more times the minimum requirements shall, wherever feasible, be designed with configurations which allow for additional subdivision.
- B. Blocks.
- (1) In general, all blocks in a subdivision shall have a maximum length of 1,200 feet. Blocks subdivided into lots shall be two (2) lot depths in width, except reverse frontage lots.
  - (2) In commercial areas, the block layout shall conform, with due consideration of site conditions, to the best possible layout to serve the public, to permit good traffic circulation and the parking of cars, to make delivery and pickup efficient, and to reinforce the best design of the units in the commercial area.
  - (3) The block layout in industrial areas shall be governed by the most efficient arrangement of space for present use and future expansion, with due regard for worker and customer access and parking.
  - (4) In large blocks with interior parks or playgrounds, in exceptionally long blocks where access to a school or shopping center is necessary or where cross streets are impractical or unnecessary, a crosswalk with a minimum right-of-way of 12 feet and a paved walk may be required by the Council, upon recommendation of the Commission.
- C. Lots.
- (1) Lot sizes shall conform to Chapter 270, Zoning.
  - (2) All lots, except as noted in Subsection C(4) of this section, shall abut on a street, but double frontage lots are prohibited. In general, side lot lines shall be at right angles or radial to street lines. If, after subdividing, there exist remnants of land, they shall be included in the area of proposed or existing lots.
  - (3) Generally, the depth of lots shall be not less than one and one half (1 ½) nor more than three (3) times their width.
  - (4) The lot on which an apartment structure is built or which is used for commercial or industrial purposes may abut two (2) or more streets.
  - (5) Whenever practical, side lot lines shall be radial with or perpendicular to street lines.

- (6) In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow Borough boundaries rather than cross them. Where a lot is divided by a Borough boundary, the minimum standards of both municipalities shall apply.

**§ 240-45. Building setback lines and easements.**

A. Building setback lines shall be as specified in Chapter 270, Zoning.

B. Easements.

- (1) Where easements are required for utilities, such easements shall be a minimum of 30 feet in width and shall, to the fullest extent possible, be centered on or be adjacent to rear or side lot lines.
- (a) All electric, telephone, television, and other communication distribution lines servicing new developments should be provided by underground wiring within common easement locations or dedicated rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.
- (b) Lots which abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground.
- (c) Where overhead electric or telephone lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignment.
- (d) All other utilities aside from electric, telephone, television, and communication facilities are encouraged to use common easements, when feasible.
- (2) Nothing shall be placed, planted, set or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement. This requirement shall be noted on the final plan and shall be included in all deeds for lots which contain an easement.
- (3) The minimum distance from natural gaslines to a dwelling unit need only be such distance, if any, as required by the applicable transmission or distributing company.
- (4) The applicant shall reserve easements where storm water or surface water drainage facilities exist or are proposed, whether located within or beyond the boundaries of the property. Easements shall have a minimum width of 30 feet and shall be adequately designed to provide area for the collection and discharge of water, the maintenance, repair and reconstruction of the drainage facilities and the passage of machinery for such work. The easements shall clearly identify who has the right-of-access and responsibility of maintenance. This requirement shall be noted on the final plan and

shall be included in all deeds for lots which contain an easement. An applicant shall also be responsible for completing a Declaration of Easement and Storm Water Management Agreement in a form that is acceptable to the Borough Solicitor.

- (5) Snow removal stockpile easements shall be provided at all intersections and the end of all cul-de-sacs. Snow removal stockpile easements shall be a minimum of 30 feet long, measured along the edge of the street cartway, and extend from the edge of pavement of the intersection or cul-de-sac for a length back a total distance of 25 feet. No on-street parking, driveway, structure, above ground portion of a utility, landscaping or any other use shall be located within the easement that would interfere with the intended purpose of the easement. All snow removal stockpile easements shall be delineated on the plans and all locations shall be approved by the Borough.

**§ 240-46. Vehicular parking facilities, sidewalks and curbs.**

A. Parking facilities. Off-street vehicular parking facilities shall be provided in accordance with Chapter 270 Zoning, and shall also comply with the following requirements:

- (1) Parking lot dimensions shall comply with Chapter 270, Zoning.
- (2) Parking spaces and aisles shall be provided for the physically handicapped and shall meet all applicable requirements of the latest edition of the ADA. ADA compliant parking shall be provided for all non-residential developments, multi-family dwellings and any other instances where ADA compliant parking is required. ADA compliant parking shall be located closest to the accessible building entrance.
- (3) Parked vehicles adjacent to sidewalks shall not overhang or extend over the sidewalk in a manner that restricts pedestrian circulation. Where such overhang is not restricted by a wheel stop or other device, sidewalks shall have a four (4) foot minimum clearance width from any obstacles.
- (4) Not less than a two (2) foot radius of curvature shall be permitted for horizontal curves in parking areas.
- (5) All dead end parking lots shall be designed to provide sufficient back-up area for all end stalls, as well as sufficient turnaround room for all vehicles intended to use the parking facility.
- (6) Painted lines, arrows, and dividers shall be provided and maintained to control parking, and when necessary to direct vehicular circulation.
- (7) Parking facilities shall be constructed with a crushed aggregate subbase course with a minimum thickness of six (6) inches, as specified in the PennDOT Specifications, Form 408, or other PennDOT approved equivalent. Pavement shall consist of a minimum of one and one-half (1-1/2) inches of base courses and one (1) inch wearing surface. Material shall be equal or superior to PennDOT Specifications for Bituminous Surface Course ID-2 and shall be applied in accordance with the PennDOT Specifications, Form 408, or other PennDOT approved equivalent.

- (8) Permeable pavement. Permeable pavement shall not be located in industrial developments, fueling stations, loading areas or other areas of a parking facility where frequent heavy truck travel occurs, sites with expansive soils or shallow depth to bedrock; areas draining to the permeable pavement greater than five (5) acres, areas with the water table less than two (2) feet below the bottom of the pavement base, and less than 100 feet from drinking wells. Permeable pavement includes paving units, porous asphalt pavement, or porous concrete (using single-sized aggregate and low water content); uniformly graded stone aggregate with void space; filter fabric lining the subsurface beds; and uncompacted (or hand compacted) subgrade. Permeable pavement shall consider the infiltration rate of the soil subgrade under the base. Constant supervision during construction is encouraged as sediment must be kept from the aggregate base. Maintenance shall be performed as according to the manufacturer's specifications.
- (9) Speed bumps.
- (a) Speed bumps, constructed as part of access drives or parking lots, shall be designed to restrain motor vehicle speed in strict conformance with the following:
- [1] Material. Recycled plastic, asphalt or rubber.
  - [2] Height. Three (3) inches.
  - [3] Width. Twelve (12) inches.
  - [4] Distance from curb. Twenty-four (24) inches.
  - [5] Markings. Permanent yellow diagonal stripes.
  - [6] Reflectors: Cat's eye reflectors.
- (b) Speed bump advance warning signs shall be posted at each entrance of the access drives or parking lots, but not more than 30 feet in front of the speed bump. All signs shall be in conformance with PennDOT Publication 236, Official Traffic Control Devices and with the following:
- [1] Material. Aluminum.
  - [2] Shape. Diamond.
  - [3] Height. Twenty-four (24) inches.
  - [4] Width. Twenty-four (24) inches.
  - [5] Background. Reflective yellow.
  - [6] Lettering. "Speed Bump Ahead" in black.
- (c) Speed bump signs shall be posted adjacent to the speed bump and in strict conformance with the following:
- [1] Material. Aluminum.
  - [2] Shape. Diamond.

- [3] Height. Twenty-four (24) inches.
- [4] Width. Twenty-four (24) inches.
- [5] Background. Reflective yellow.
- [6] Lettering. "Bump" in black.

#### B. Sidewalks.

- (1) Paved sidewalks shall be provided on both sides of a new street and access drive that serve all subdivisions and land developments.
- (2) Sidewalks shall also be provided in any location within land developments for access to and/or within a commercial, industrial or other community facility. Sidewalks which are provided as part of such nonresidential facilities shall be designed and constructed to service the projected pedestrian needs.
- (3) Where curbs and sidewalks are required or provided, clearly marked crosswalks shall be provided at all intersections. Crosswalks may also be required by the Council, upon recommendation of the Commission, at other locations to promote the convenience and safety of pedestrian traffic. The design of crosswalks and the materials use shall be consistent with PennDOT Form 408 specifications.
- (4) Construction standards. Paved sidewalks shall be constructed in accordance with Chapter 232, Streets and Sidewalks.
- (5) Encroachments into any sidewalk area shall not result in less than a four (4) foot wide minimum clearance width from any obstacles.
- (6) Where possible, sidewalks should be sloped towards adjacent pervious surfaces, not adjacent impervious surfaces.
- (7) ADA compliant ramp cuts shall be located at all sidewalks intersecting with vehicular travel ways.
- (8) Marked crosswalks shall be provided within the vehicular travel ways intersecting all sidewalks.
- (9) Sidewalk construction shall meet all applicable standards of the latest edition of the ADA.

#### C. Curbs.

- (1) Concrete curbs shall be provided for all subdivisions and land developments along street frontages, access drives, and along the edge of any landscaped portions of a parking facility.
- (2) Construction standards. All curbs shall be constructed in accordance with the specifications in Chapter 232, Streets and Sidewalks and the most current edition of PennDOT Publication 408, Specifications, and PennDOT Publication No. 72, Standards for Roadway Construction, and in accordance with any regulations adopted by the state or federal government concerning handicapped accessibility.

- (3) Vertical curbs shall be installed unless the Borough Engineer, for cause shown, permits the use of slant curbs. Cost shall not be considered cause warranting use of slant curbs.
- (4) Curbing shall be designed to provide a ramp cut at each intersection of a vehicular travel way, at the principal entrances to buildings which front on parking lots, and at all crosswalks.
- (5) Any transition between curbing types shall be at the discretion of the Council and shall be subject to final approval by the Borough Engineer.
- (6) Curb construction shall meet all applicable standards of the latest edition of the ADA.

§ 240-47. (Reserved)

§ 240-48. (Reserved)

§ 240-49. (Reserved)

§ 240-50. (Reserved)

## **Article VI. Other Required Improvements**

### **§ 240-51. Monuments and markers.**

- A. The location of all existing and proposed monuments, lot line markers, property corners, and drill holes shall be shown on the final plan. Those that are proposed shall be labeled as such.
- B. Three (3) monuments shall be spaced around the proposed project with precise bearings and distances labeled that reference those monuments to known property corners.
  - (1) Two (2) such monuments shall be consecutive corners along street rights-of-way and the third may be placed either on the boundary or internal to the site.
  - (2) Longitude and latitude coordinates of the monuments shall be shown on the recorded plan.
  - (3) If GPS technology is used, it shall be rectified and calibrated to the State Plane Coordinate System, North American Datum (NAD) 1983.
  - (4) Monuments must be readily accessible and clear of overhead obstructions.
  - (5) A computer readable point file including property lines, corners, rights-of-way, and easements for the site shall be submitted to the Borough prior to final plan recordation.
- C. Monuments shall be concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of 30 inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper, brass dowel or drill hole; stone or precise monuments shall be marked on the top with a drill hole.



- D. Markers shall be set at all points where lot lines intersect curves, at all angles in the property lines, at the intersection of all other property lines, and at the street right-of-way.
- E. Markers shall consist of iron pipes or steel bars at least 30 inches long and not less than five-eighths (5/8) of an inch in diameter.
- F. Drill holes shall be drilled in concrete curbs (with or without PK nails or discs) having a minimum diameter of one-quarter (1/4) inch. The depth of the holes shall be such that a PK nail or disc, if used, can be set in as close to the surface of the curb as possible. Minimum depth without the use of PK nail or disc shall be one-half (1/2) inch. In the absence of PK nails or discs, chisel or saw marks shall be used to facilitate and identify the drill hole locations.
- G. All monuments, markers, and drilled holes shall be placed by a registered Professional Land Surveyor so that the scored market point, or center of the driller hole, shall coincide with the point of intersection of the lines being monumented or marked.
- H. A note shall be provided on the plan indicating when the monuments and markers are to be set.

**§ 240-52. Sanitary sewage disposal.**

All units of occupancy within the proposed subdivision or land development shall be provided with a complete sanitary sewer system, which shall be connected to the Borough's sanitary sewer system in accordance with the requirements of Council, the Authority, and the DEP.

The final plan application shall include a statement from the Authority indicating the approval of the plans for design, installation and possible financial guarantees.

**§ 240-53. Water supply.**

All units of occupancy shall be provided with a complete water supply system, which shall be connected to the Borough's water supply system in accordance with the requirements of the Council, the Authority, and the DEP. Fire hydrants shall be installed and spaced no more than 600 feet apart.

The final plan application shall include a statement from the Authority indicating the approval of the plans for design, installation and possible financial guarantees.

**§ 240-54. Stormwater management.**

All subdivisions and land developments shall comply with the requirements of Chapter 226, Stormwater Management, and with the requirements of Chapter 232, Article IV, Sidewalk and Curb Installation; Maintenance, of the Code of the Borough of Mount Joy, as well as the following:

- A. Erosion and sedimentation controls. All development applications which involve grading or excavation shall conform to the requirements of Chapter 102 of the regulations of the DEP, as amended from time to time. It shall be the responsibility of the applicant to secure all approvals required by the Lancaster County Conservation District, as delegated by the

DEP prior to commencement of construction activities. Approval of plans by the Council shall not be construed under and regulation of the DEP, Lancaster County Conservation District or other regulatory body.

- B. Floodplains. Floodplain areas shall be established and preserved as provided by Chapter 270, Zoning.

**§ 240-55. Landscaping and street trees.**

The following landscaping requirements shall be in addition to any landscaping requirements of Chapter 270, Zoning:

- A. All proposed subdivisions and land developments shall be landscaped in compliance with this chapter and Chapter 270, Zoning. A landscape plan shall accompany a subdivision and land development plan and shall be drafted by a registered engineer or landscape architect.
- B. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Standard of Nursery Stock, ANZIZ60, current edition, or any amendments made hereafter.
- (1) Provide a landscape plan note indicating that the top of the main order root (first large set of roots that divide from the trunk) shall be planted no lower than one (1) or two (2) inches into the soil.
  - (2) Planting designs are encouraged to share planting space for optimal root growth whenever possible. Continuous planting areas vs. isolated planting boxes are encouraged.
  - (3) No staking and wiring of trees shall be allowed without a maintenance note for the staking and wiring to be removed within one (1) year of planting.
- C. All required landscape plants shall be maintained and guaranteed for a length of 18 months from the date of planting. No more than one-third (1/3) of the tree or shrub shall be damaged or dead without replacement. Replacement plants shall conform to all requirements of this section and shall be maintained after replanting for an additional 18 months. A note indicating this requirement shall be placed on the plans.
- D. The plant's growth shall not interfere with the street cartway, access drives or driveway locations, sidewalk, signage, easement locations, clear sight triangles, or utility line locations. No landscaping with sight triangle easement locations shall exceed two (2) feet in height.
- E. In order to aid surveillance and minimize the potential for crime, plantings shall be sited, massed, and scaled to maintain visibility of doors and first floor windows from the street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths.
- F. Any existing vegetation that is in appropriate locations, of an acceptable species and quality may be used to fulfill landscaping and buffering requirements if approved by the Council.

G. Street trees shall be provided in all subdivisions and land developments which include new streets and along the frontage of existing streets thatabut a subdivision or land development.

- (1) Location. Where permitted by the Borough and/or PennDOT, street trees shall be placed within the street right-of-way. If planting within the street right-of-way is not approved, then such trees shall be planted with the trunk on private property immediately outside of the street right-of-way.
- (2) Number. A minimum average of one street tree shall be planted for each 40 feet of length of new street or existing street frontage measured at the centerline.
- (3) The spacing of trees shall be based on the size of the tree canopy at maturity with trees spaced no closer than 30 feet on center if the tree canopy is less than 30 feet spread at maturity, spaced 30-60 feet on center if the tree canopy is 30-50 feet spread at maturity, and street trees spaced 50-100 feet on center if the tree canopy is over 50 feet spread at maturity. When a less formal arrangement is desired, where more massing is appropriate, or improvements such as benches are located, street trees shall be grouped in a manner that is approved by the Council.
- (4) Existing trees. Along street segments where existing healthy street trees will be preserved and protected during construction, new street trees shall not be required.
- (5) The following tree species are acceptable to meet the street tree requirements. Other tree species may be used, if approved by the Council.

Common Name	Botanical Name	Height/Canopy Spread	Drought Tolerances	Soil Type	Soil Acidity/Aerosol Salt Tolerance	Soil Saturation Preference	Root Pattern	Canopy Structure/Growth Rate
Red Maple	Acer rebrum	75'/35'	Moderate	Clay; Loam	Acidic/Low tolerance	Extended flooding to well-drained	Large surface roots	Upright oval canopy/fast growing
Sugar Maple	Acer saccharum	70'/40'	Sensitive to reflected heat and drought	Sand; loam; not compacted	Acidic; alkaline/Not tolerant	Well-drained	Often shallow	Dense oval/Moderate-slow growing
River birch	Betula nigra	40-50'/25-35'	Moderate	Clay; loam	Acidic	Extended flooding to well-drained	Not a problem	Narrow-pyramidal crown/Fast growing when moist
Common Hackberry	Celtis occidentalis	45'-80'/40-50'	Highly tolerant	Clay; loam	Tolerant of highly alkaline to moderate acidic	Extended flooding to well-drained	Large surface roots	Round/Prune to prevent weak branch crotches
American Yellowwood	Cladrastis kentckea	30'-50'/40'-50'	Moderate	Clay; sand; loam	Alkaline; acidic	Occasional wet to well-drained	Surface roots when wet	Round/Moderate/Prune structure
American beech	Fagus grandifolia	50'-75'/40'-60'	Moderate to low	Sand; loam	Acidic/Low Tolerance	Needs well drained	Surface roots/needs space	Very dense oval/Moderate
White Ash	Fraxinus Americana	50'-80'/40'-60'	Moderate	Sand; loam	Alkaline; acidic/Moderately Tolerant	Extended flooding to well-drained	Large surface roots/needs space	Oval/fast growing
Green Ash	Fraxinus pennsylvanica	60'-70'/45'-50'	Highly Tolerant	Sand; loam; clay	Alkaline; acidic/Moderately tolerant	Extended flooding to well-drained	Large surface roots when confined	Upright/Fast; prune structure to develop trunk

Thornless Honeylocust	Gleditsia triacanthos inermis	50'-70'/35'-50'	Highly tolerant	Clay; sand; loam	Alkaline; acidic/highly tolerant	Occasional wet to well-drained	Can grow surface roots	Open oblong
Sweetgum	Liquidambar styraciflua	60'-75'/35'-50'	Moderate to little	Clay; sand; loam	Acidic/ Moderately tolerant	Extended flooding to well-drained	Surface roots when moist	Pyramidal/Extreme sensitivity to construction
Tuliptree	Liriodendron tulipifera	80'-100'/30'-50'	Moderate	Sand; loam	Acidic/ tolerance No	Well-drained to occasional wet	Not a problem; needs space	Oval/ Moderate growth
Blackgum/ Sourgum	Nyssa sylvatica	65'-75'/25'-35'	Highly tolerant	Clay; loam	Acidic/ Moderately tolerant	Extended flooding to well-drained	Not a problem; deep roots	Pyramidal/ Slow growth
American Hophornbeam	Ostrya virginiana	25'-50'/25'	Tolerant once established	Sand; loam	Poor salt tolerance/ pH adaptable	Prefers moist when young	Not a problem	Rounded
Sycamore	Platanus occidentalis	75'-90'/ 50'-70'	Highly tolerant	Clay; loam; should not dry out	Alkaline; acidic/ Moderately tolerant	Extended flooding to well-drained	Can grow surface roots	Dense pyramidal/ Fast growing
White Oak	Quercus alba	60'-100'/ 60'-80'	Moderate to low	Sand; loam; should not dry out	Acidic/ Highly tolerant	Occasional wet to well-drained	Not a problem	Pyramidal/ Slow growing
Shingle Oak	Quercus imbricaria	40'-60'/40'-60'	Tolerant intermittent drought	Rich; deep; well-drained	Alkaline soils up to 7.5 pH	Moist	Not a problem	Rounded/ Transplants well
Chestnut Oak	Quercus Montana	50'-60'/40'-60'	Highly tolerant	Sand; loam	Acidic/ unknown salt tolerance	Well-drained	Roots flare when older	Round/ Moderate growth
Red Oak	Quercus rubra	60'-70'/50'-60'	Highly tolerant	Sand; loam	Acidic/Highly tolerant	Well-drained	Can form large surface roots	Dense; round/ Fast growth; Train into one leader
Swamp White Oak	Quercus bicolor	50'-70'/50'-70'	Moderate	Clay; sand; loam	Acidic/ Moderate tolerance	Extended flooding to well-drained	Not a problem	Round/ Moderate growth; long lived
Basswood/ American Linden	Tilia Americana	50'-80'/35'-50'	Moderate	Sand; loam	Acidic; alkaline/ Lot Tolerance	Well-drained	Not a problem; needs space	Dense; Pyramidal/ Moderate

- (6) No one species shall comprise more than 33% of the entire number of street trees in a particular development.
- (7) All street trees shall be provided by the Applicant in accordance with the following standards:
  - (a) The trees shall be nursery grown in a climate similar to that of the project. Varieties of trees within the public street right-of-way shall be subject to the approval of the Council.
  - (b) All trees shall have a normal habit of growth and shall be sound, healthy, and vigorous; they shall be free from disease, insects eggs, and larvae.
  - (c) The trunk caliper, measured at a height of six (6) inches above finish grade shall be a minimum of two (2) inches.
  - (d) Tree planting depth shall bear the same relationship to the finished grade as the top of the root ball or original grade of origin.

- (e) Street trees in beauty strips or near sidewalks shall be planted with an approved root barrier system to prevent root damage to sidewalks and/or curbs.
- H. Existing wooded areas. Existing wooded areas shall be protected to prevent unnecessary destruction. At least 20% of any existing woodlands that exist at the time of plan submission shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of two (2) inches at a height of six (6) inches above finished grade. If the applicant can prove that invasive species are within a particular area of the wooded location, then the percent of woodlands to be removed may be increased to eradicate invasive species. The tree protection area must be indicated on the plans. Individual trees that are to be saved shall be marked prior to construction, in the case of mature wooded areas, the edge of the wooded area shall be marked with a 48-inch high construction or snow fence, mounted on steel, poles, shall be placed around the perimeter of the wooded area to remain.
- I. Ground cover. Ground cover shall be provided on all areas of the project to prevent soil erosion. All areas which are not covered by paving, stone, or other solid material shall be protected with a suitable ground cover, consisting of spreading plats, including sods and grasses, less than eighteen inches in height.
- J. Native and invasive planting.
- (1) Native plant materials should be incorporated in all designs. The use of native plant material can help improve water quality, provide additional and improved wildlife habitat, and typically adapt to local conditions which then require less maintenance. Native plants must be used near greenways, suburban forested areas, wetlands, and riparian areas.
  - (2) Except as noted above, non-native plants may be included in place of a native plant if it is not considered invasive and the plant does not introduce pests or diseases. A non-native plant may be incorporated into designs when they prove to be better suited for a particular soil, environment, spatial constraints, and integration into the surrounding ecosystem.
  - (3) The following is a list of invasive plants which may not be used in any planting schedule:
    - (a) Trees. Tree-of-heaven (*Ailanthus altissima*), Norway maple (*Acer platanoides*), Sycamore maple (*Acer psuedoplatanus*), Empress tree (*Paulownia tomentosa*), Callery pear (*Pyrus calleryana*), Siberian elm (*Ulmus pumila*).
    - (b) Shrubs. Japanese barberry (*Berberis thunbergii*), European barberry (*Berberis vulgaris*), Russian olive (*Elaeagnus angustifolia*), Autumn olive (*Elaeagnus umbellate*), Winged Euonymus (*Euonymus alatus*), Border privet (*Ligustrum obtusifolium*), Common Privet (*Ligustrum vulgare*), Tartarian honeysuckle (*Lonicera tartarica*), Standish honeysuckle (*Lonicera maackii*), Bell's honeysuckle (*Lonicera morrowii* x *tatarica*), Common buckthorn (*Rhamnus catharticus*), Glossy buckthorn (*Rhamnus catharticus*), Glossy buckthorn (*Rhamnus multiflora*),

Wineberry (*Rubus phoenicolasius*), Multiflora rose (*Rosa multiflora*), Japanese spiraea (*Spiraea japonica*), Guelder roase (*Viburnum opulus* var. *opulus*)

- (c) Grasses. Cheatgrass (*Bromus tectorum*), Japanese stilt grass (*Microstegium vimineum*), Maiden grass (*Miscanthus sinensis*), Common reed (*Phragmites australis*), Reed canary grass (*Phalaris arundinacea*), Johnson grass (*Sorghum halepense*), and Shattercane (*Sorghum bicolor* ssp. *drummondii*)
- (d) Flowers. Garlic mustard (*Alliaria petiolata*), Goutweed (*Aegopodium podagraria*), Bull thistle (*Cirsium vulgare*), Canada thistle (*Cirsium arvense*), Musk thistle (*Carduus nutans*), Jimsonweed (*Datura stramonium*), Goatsrue (*Galega officinalis*), Giant hogweed (*Heracleum mantegazzianum*), Dame's rocket (*Hesperis matronalis*), Purple Loosestrife (*Lythrum salicaria*, *L. virgatum*), Eurasian water-milfoil (*Myriophyllum spicatum*), Star-of-Bethlehem (*Ornithogallum nutans*, *umbellatum*), Japanese knotweed (*Polygonum (Falopia) cuspidatum/ Polygonum sachalinense*), Wild parsnip (*Pastinaca sativa*), Beefsteak plant (*Perilla frutescens*), Lesser celandine (*Ranunculus ficaria*), Water chestnut (*Trapa natans*).
- (e) Vines. Fiveleaf akebia (*Akebia quinata*), Porcelain-berry (*Ampelopsis brevipedunculata*), Oriental bittersweet (*Celastrus orbiculatus*), Japanese honeysuckle (*Lonicera japonica*), Kudzu (*Pueraria lobata*), Mile-a-minute vine (*Polygonum perfoliatum*)

#### **§ 240-56. Community facilities.**

The Council shall consider the adequacy of existing or proposed facilities to serve the residents or nonresidential occupants of the proposed development. The reservation of land for community facilities will be requested when appropriate. The developer shall give earnest consideration to reserving land for schools, churches and other community facilities. If a facility of this type has been tentatively planned in the area that is to be developed, the developer shall contact the organization which would manage the site to determine whether such organization plans to use the site.

#### **§ 240-57. Public dedication of park and recreation land.**

- A. Legislative intent. The Council has adopted a park and recreation plan for the Borough. To implement this park and recreation plan, all residential subdivisions and land developments shall provide for suitable and adequate recreation in order to:
  - (1) Ensure adequate recreational areas and facilities to serve the future residents of the borough.
  - (2) Maintain compliance with recreation, park and open space standards, as developed by the National Recreation and Park Association.
  - (3) Reduce increasing usage pressure on existing recreational areas and facilities.
  - (4) Comply with the Park and Recreation Plan with regard to size and distribution of recreation areas.

- (5) Allow for acquisition and development of additional recreation areas as outlined by the park and recreation plan.
  - (6) Ensure that all present and future residents have the opportunity to engage in many and varied leisure pursuits.
  - (7) Reduce the possibility of the Borough becoming overburdened with the development and maintenance of many very small, randomly planned and widely separated recreation areas.
  - (8) Protect sensitive areas and facilities of significant historical, cultural, aesthetics or environmental value.
  - (9) Provide for the opportunity of combining small plots of dedicated land from several subdivisions into larger, more usable tracts.
- B. Land requirements for proposed recreation areas. The amount of land required to be provided for recreational purposes for residential subdivisions or land development plans not exempted from the provisions of this section shall be as follows:
- (1) The minimum lot area which shall be dedicated shall be 0.025 acre per lot or dwelling unit.
  - (2) The minimum area of land reserved as park and recreation land shall be equal to the minimum lot size in the zoning district in which the subdivision or land development is located.
  - (3) Such land set aside shall be suitable to serve the purpose of active and/or passive recreation by reason of its size, shape, location and topography and shall be subject to the approval of the Council.
  - (4) In no event will the amount of land to be dedicated for recreation be less than the minimum lot size for the zoning district in which the subdivision is located.
  - (5) The developer may request that the Borough not require the dedication of land, and any such request shall be accompanied by an offer to pay a fee in lieu of dedication of the land, computed in accordance with the regulations under Subsection G, an offer to privately reserve land for park, or combination of the above for recreation purposes.
- C. Criteria for proposed recreation areas. Whether publicly dedicated or privately reserved, proposed recreation areas shall:
- (1) Be a single lot and generally rectangular in shape.
  - (2) Have suitable topography and soil conditions for use and development as a recreation area.
  - (3) Have a minimum of 75% of the required area with a maximum slope of seven percent (7%).
  - (4) Have a 25% maximum of the required area be within floodplain or wetland areas, as defined by the United States Department of Housing and Urban Development Flood

Insurance Rate Map, the United States Army Corps of Engineers, the Borough Engineer and/or the DEP.

- (5) Be easily accessible to all essential utilities contained within the subdivision such as public water, power and sewer; however, no utility easements or rights-of-way shall traverse the recreation area. Stormwater management structures and facilities shall not be included within any recreational or open space area.
  - (6) Not contain any materials which would be termed "hazardous wastes" under applicable state and federal statutes, not contain any petroleum products and not contain any underground storage tanks or locations from which underground storage tanks were removed that are leaking.
  - (7) Be suitable for development as a particular type of park, as categorized by the National Recreation and Park Association's National Park, Recreation and Open Space Standards and Guidelines, 1983, as may be amended.
  - (8) Be compatible with the objectives, guidelines and recommendations as set forth in the Park and Recreation Plan.
  - (9) In the event that the land contains natural features which are worthy of preservation, the developer may request that Borough Council permit the provision of recreational land configured in such a manner as to best preserve natural features.
  - (10) Such land shall be suitable for development as a children's play area if less than one (1) acre in size, or a play field if greater than one (1) acre in size.
    - (a) In order to implement the recommendation of the park and recreation plan, if the adjoining property is undeveloped land, Borough Council shall require that such land be provided at the property boundary of the development in order that it may be added to land provided for park and recreation purposes on an adjacent tract at such time as the adjoining property is developed.
    - (b) If the adjoining property has previously been developed, and recreational land has been provided at the boundary of that previously developed property, Borough Council shall require that the recreational land required of the development shall be located adjoining the previously provided recreational land.
- D. Dedication of recreation to the Borough. All recreation and open space land required by this section shall be irrevocably dedicated to the Borough unless the Council waives such required dedication. The Council, in its sole discretion, has the power to accept or not accept dedication of such land. The developer shall present evidence of clear title to the recreation and open space land and a deed of dedication which shall be in a form acceptable to the Borough Solicitor. The developer shall reimburse the Borough for all costs associated with the acceptance of dedication.
- (1) The developer may request that the Borough waive the requirement to dedicate land set forth herein. Any request for such a waiver shall include whether the developer proposes to privately reserve such recreation and open space land or proposes payment



of a fee in lieu of land dedication or proposes to dedicate a portion of the required recreation and open space land and in lieu of the remaining portion make improvements to the dedicated land in accordance with recreation standards established by the Park and Recreation Plan.

- (2) All approved recreation land shall be completed and dedicated or reserved before 50% occupancy has been reached in any applicable subdivision. The Borough may avail itself of all remedies provided by the MPC, including but not limited to the withholding of permits, to ensure compliance with this provision.

E. Private reservation of land. The developer may request a waiver from the mandatory dedication requirement imposed by this section to permit the recreation and open space land to be privately reserved. A written agreement between the developer and the Borough, that specifies the developer's obligations, must be executed prior to or concurrent with final plan approval. Such agreement must be in a form and have specific content that is acceptable to the Borough Solicitor. Council is not obligated to execute such an agreement with the developer.

- (1) The agreement shall stipulate whether the developer, a homeowners' association or a condominium unit owners' association shall be responsible for construction and maintenance of the designated recreation facilities; whether such private facilities will be available to nonresidents of the development; and how the private reservation may be revoked under a set of future circumstances.
- (2) If such lands and facilities are to become common elements of a homeowners' or unit owners' association of any type, then such association's organizational bylaws must conform to the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq. Such documentation shall be recorded.
- (3) The deed of conveyance of such recreation areas shall contain a restrictive covenant limiting such land and improvements to the common use of the property owners within the development for the purposes initially approved by the Borough. Said deed shall also contain a restriction that said lands and improvements may not be sold or disposed of by the association, except to another organization formed to own and maintain said recreation areas, without first offering to dedicate the land and improvements to the Borough. Such covenants shall be in a form acceptable to the Borough Solicitor.
- (4) If acceptable to the Borough, the recreation land may be transferred to a not-for-profit corporation established for the conservation or preservation of land or for providing recreational facilities. The documents relating to the transfer of the land shall be in a form acceptable to the Borough Solicitor, shall be recorded and shall provide that the land is permanently restricted from further development. Arrangements acceptable to the Borough shall be made for the maintenance of the recreation land.

F. Recreation facility development. Developers required to dedicate land for recreation shall also be requested to develop the recreation areas according to the National Park, Recreation

and Open Space Standards and Guidelines published by the National Recreation and Park Association in 1983 and any succeeding updates or revisions.

- (1) The actual size, number, placement and other specifications of recreation facilities to be developed shall be approved by the Council after negotiations with the developer.
- (2) Final subdivision and/or development plans shall indicate the location and specifications of all recreation facilities to be constructed and metes, bounds and acreage of the recreation area(s). An engineer's estimate of the cost of development of the recreation area(s) shall also be submitted by the developer for improvement guaranty purposes.
- (3) The following recreation facilities, or the equivalent if approved by the Council, are recommended for development on the land which has been set aside for recreational facilities:

Dwelling Units	Play Areas	BB/VB <sup>1</sup> Courts	Tennis Courts	Ball <sup>2</sup> Diamonds	Pavilions	Soccer/ FB <sup>3</sup> Fields
24 or fewer	--	--	--	--	--	--
25 to 49	1	1	--	--	--	--
50 to 99	1	1	--	--	1	--
100 to 199	2	2	1	1	1	--
200 to 299	2	2	2	1	1	1
399 to 399	2	2	2	2	2	1
400 and over	3	2	2	2	2	2

NOTES:

The mix of facilities shall be determined by the Borough.

<sup>1</sup> Basketball and/or volleyball court.

<sup>2</sup> Softball and/or baseball diamond.

<sup>3</sup> Soccer and/or football field.

G. Fee in lieu of dedication. When requested by the applicant, the Borough may agree to a fee in lieu of dedication. The Borough will hold such funds in accordance with the requirement of the MPC. If the applicant chooses to record final plans for an approved preliminary plan in phases, the applicant shall pay the fee in lieu of dedication applicable to the number of dwelling units in each phase prior to the release of the final plan for such phase for recording.

- (1) If a fee in lieu of dedication is proposed by the applicant, the amount of a fee-in-lieu payment shall be the fair market value of the land, at the time of preliminary plan submission, required to be dedicated under Subsection B above.
- (2) Payment of all such fees shall be a condition of final plan approval, and no plans shall be released for recording until such fees are paid.
- (3) The applicant (at the applicant's sole cost) shall provide the Borough with all information necessary to determine the fair market value of the land, including, but not limited to, a copy of the agreement of sale if the applicant is an equitable owner or has

acquired the land within the past two years from an unrelated party or an appraisal of the property by an MAI appraisal, which is to be submitted to the Borough as part of the submission. Fair market value shall be computed by dividing the total price for the tract, at the time of preliminary plan submission, by the number of acres within the tract and then multiplying that number by the amount of land required to be dedicated.

- H. Fee-in-lieu funds disposition. All fees shall be held and used by the Borough in accordance with the MPC. It is the intent of the Borough Council that such fees shall be used in accordance with the park and recreation plan. Fee-in-lieu funds and accrued interest thereon not used by the Borough within three (3) years may be refunded to the payee only upon his written request. The date of payment of the fee-in-lieu funds shall be considered to be the date upon which the last fee for a particular development represented by a single preliminary plan has been paid, and the three-year period shall not commence until the entire fee-in-lieu of dedication for a development has been paid.

**§ 240-58. Existing and proposed trails.**

- A. The applicant or landowner shall be responsible for construction of any trail shown on the Official Map, Park and Recreation Plan, or Comprehensive Plan. The Council, upon recommendation of the Commission, may require, as a condition of final plan approval, the dedication and improvements of new trail construction or connections to existing trail facilities. The area of land that the trails cover may be credited towards the amount of mandatory land that is to be dedicated to the Borough under § 240-57, provided the trails are intended for public use.
- B. If the trail is intended to provide both pedestrian and bicycle travel, the minimum width shall be ten (10) feet. If the trail is constructed to provide bicycle travel and is constructed separately and parallel to a concrete sidewalk, the minimum width of the trail shall be six (6) feet.
- C. All trails shall be constructed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines for bicycle and pedestrian paths. All trails shall also be constructed in accordance with the ADA.
- D. Pedestrian easements that are a minimum of ten (10) feet wide are required for trails. A plan note indicating such easements must be five (5) foot on either side of the centerline of the trail as constructed shall be placed on the cover sheet or other plan sheet that is to be recorded. Applicant shall be responsible for providing a legal description of said easement prior to the release of a final plan for recording.
- E. Encroachments into the trail shall not result in less than a four (4) foot wide minimum clearance width from any obstacles.
- F. Marked crosswalks shall be provided within the vehicular travel ways intersecting with trails.
- G. When a subdivision or land development is traversed by or abuts an existing public trail customarily used by pedestrians, the Applicant shall make provision for the continued

recreational use of the trail, subject to alterations of the course of the trail within the boundaries of the development under the following conditions:

- (1) The points at which the trail enter and exit the tract shall remain unchanged.
- (2) The proposed alteration meets all applicable requirements of this section.
- (3) The proposed alteration does not run coincidentally with the paved road intended for use by motorized vehicles.

§ 240-59. (Reserved)

§ 240-60. (Reserved)

## **Article VII. Plan Requirements**

§ 240-61. **General plan requirements.**

All plans shall show, be accompanied by, and be prepared in accordance, with this Article and shall provide sufficient design information to demonstrate conformance with the requirements of Article V, Development Standards.

A. Drafting Standards.

- (1) The plan shall be clearly and legibly drawn at a commonly-used scale between 20 to 100 feet to the inch.
- (2) Dimensions shall be in feet and decimals; bearings shall be in degrees, minutes, and seconds. Descriptions of tracts shall read in a clockwise direction.
- (3) The sheet size shall be 24 inches by 36 inches. If the plan is prepared on two (2) or more drawing sheets, a key map showing the location of the sheets and a match line shall be placed on each of the sheets. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the Plan (e.g., Sheet 1 of 5).
- (4) Plans shall be presented in a clear, legible, coherent, and organized manner.
- (5) Plans shall be prepared, signed and sealed by a registered engineer, surveyor or landscape architect.
- (6) For all plans other than sketch plans, the survey shall not have an error of closure greater than one (1) foot in 10,000 feet.

B. Location and identification.

- (1) The project name or identifying title.
- (2) The name of the Borough or municipalities in which the project is located, including the location of any municipal boundaries if located within the vicinity of the tract.

- (3) The name and address of the owner(s) of the subject tract (or an authorized agent), the developer/subdivider, and the firm that prepared the plan.
  - (4) The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all revisions.
  - (5) A north arrow, graphic scale, and a written scale.
  - (6) The total acreage of the entire existing tract.
  - (7) The district and lot size and/or density requirements of Chapter 270, Zoning.
  - (8) A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1"=2,000') relating the subdivision or land development to at least two (2) intersections of road centerlines. The approximate distance to the intersection of the centerlines of the nearest improved street intersection shall be identified.
  - (9) If the tract of land is located within 200 feet of a municipal or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
  - (10) The source of title, deed, book, page, plan book (if applicable), and tax parcel identification number for the subject tract.
  - (11) In the case of a plan for which the subject tract has an environmental covenant, the plan shall include a note indicating the recording information of the environmental covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act no. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA).
  - (12) Identification of all prior recorded plans for the subject tract, identifying all notes and/or restrictions on such prior recorded plans affecting the current development together with a verification signed by the design professional that such list is complete and correct.
  - (13) For all plans other than sketch plans, the entire existing tract boundary with bearing and distances.
  - (14) For all plans other than sketch plans, the location and width of all proposed streets and alleys; street names; and approximate grade, rights-of-way and easements; proposed lot lines with approximate dimensions; proposed minimum building setback lines for each street; playgrounds; public buildings; public areas; historic resources; and parcels of land proposed to be dedicated or reserved for the public use.
- C. Existing Features. The requirements of this section shall apply to preliminary plans, final plans, and preliminary/final plans.
- (1) Existing contours shall be shown at a minimum vertical interval of one (1) foot for land with average natural slope of three percent (3%) or less, two (2) feet for land with average natural slope between three percent (3%) and six percent (6%) and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contour interval may be adjusted based upon horizontal scale with concurrence of the Borough Engineer. Contours shall be accompanied by the location of the bench mark and a

notation indicating the datum used. The datum used by the public sewer provider or public water provider shall be used in all plans indicating connection to the public sewer system or public water system. Contours plotted by interpolation of the United States Geodetic Survey 7.5 feet mapping will not be accepted.

- (2) The names of all adjacent landowners, both adjoining and across existing rights-of-way, along with the plan book record numbers of all previously recorded plans for adjacent properties.
- (3) The following items when located within 200 feet of the subject tract:
  - (a) The location, name and dimensions of existing rights-of-way and cartways for streets, alleys, access drives, and driveways.
  - (b) As available, the location of the following features and any related right-of-way or easements: buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, fire hydrants and stormwater management facilities.
  - (c) The location of existing rights-of-way and easements for telecommunications, electric, gas and oil transmission lines, and railroads.
  - (d) As available, the size, capacity and condition of the existing stormwater management system and any other facility that may be used to convey storm flows from the subject tract.
  - (e) The location of woodlands, habitats for endangered and threatened species, and highly erosive soils.
- (4) The following items when located within the subject tract:
  - (a) The location, name and dimensions of existing rights-of-way and cartways for streets, alleys, access drives, and driveways.
  - (b) The location and size of the following features and related rights-of-way or easements: buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, fire hydrants and stormwater management facilities.
  - (c) The location of existing rights-of-way for telecommunications, electric, gas and oil transmission lines, and railroads.
  - (d) The size, capacity and condition of the existing stormwater management system and any other facility that may be used to convey storm flows within and from the subject tract.
  - (e) The preliminary plan shall indicate any proposed disturbance, encroachment or alteration to such features including: floodplains, wetlands, quarry sites, woodlands, significant trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, historic resources, cemetery or burial sites, archeological sites, and areas with highly erosive soils.

- (5) Significant topographical and man-made features such as bodies of water, quarries, floodplains, tree masses, structures and suspected wetlands (as determined by a wetland survey conducted to identify wetlands as defined by the United States Army Corps of Engineers).
  - (6) In the case of a plan for which the subject tract has an environmental covenant executed pursuant to the Pennsylvania Environmental Covenants Act, Act no. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include the boundary limits of any contamination remaining on site. The application shall include a copy of the Environmental Covenant Agreement and any required engineering and institutional controls.
- D. Plan Information. The requirements of this section shall apply to all plans except for sketch plans.
- (1) Block and lot numbers in consecutive order (e.g., Block A, Lots 1 through 10; Block B, Lots 11 through 22).
  - (2) In the case of land developments, the location and configuration of proposed buildings, parking lots, streets, alleys, access drives, driveways, common open space, recreational areas, and all other significant planned facilities.
  - (3) Total number of lots, units of occupancy, density and proposed land use. If a multiple land use is proposed, the location of each land use shall be indicated.
  - (4) Existing and proposed easements and rights-of-way.
  - (5) Building setback lines and building envelopes.
  - (6) Identification of buildings to be demolished.
  - (7) Typical street cross section for each proposed public or private street and typical cross section for any existing street that will be improved as part of the application. Each cross section shall include the entire right-of-way width.
  - (8) The location and design of driveways on corner lots and driveways on other lots as requested by the Council. Such driveways shall demonstrate the existence of reasonable, safe access to the property and shall not be designed so as to unreasonably erode the public street. If access is to be provided by a road maintained by the Commonwealth of Pennsylvania, the applicant shall supply proof that the driveway or street intersection permit has been issued to permit a driveway or street intersection to be completed at the proposed location or certification from a professional engineer that consistent with the regulations of PennDOT a permit can be issued to permit a driveway or street intersection to be completed at the proposed location. (See Appendix No. 3.)
  - (9) A table indicating the existing zoning district, required lot size, required setbacks, required maximum and/or minimum development density and number of lots in the proposed subdivision along with the proposals for each of these parameters.

- (10) Where the proposed subdivision or land development is located partially or wholly within an area prone to frequent flooding (either by impoundment or conveyance) as indicated by the Flood Insurance Rate Map Profiles and supporting data, soil type or local historical record, the developer shall supply the following information:
- (a) The location and elevation of all proposed roads, fills, utilities, buildings, and stormwater management and erosion control facilities.
  - (b) The 10-year, 100-year and encroachment boundaries as required by the Federal Emergency Management Agency. Neither flood boundaries defined by the limits of alluvial soils nor by the boundaries shown on the Flood Insurance Rate Map shall be accepted without verification. Information shown on the Flood Insurance Rate Map and its accompanying documentation shall be verified using any currently available information to update the data.
- (11) Clear sight triangles and stopping sight distances as described in § 240-43.J of this chapter shall be shown on the plan.
- (12) For final plans, preliminary/final plans, and lot line change plans, the following additional information shall also be provided:
- (a) Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot markers are set or indicating when they will be set.
  - (b) Identification of any lands to be dedicated or reserved for public, semipublic or community use.
  - (c) In the case of a plan which requires access to a highway under the jurisdiction of PennDOT, the inclusion of the following plan note:  
  
"A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before access to a state highway is permitted. Access to the state highway shall be as authorized by a Highway Occupancy Permit and the Borough Council's approval of this plan in no way implies that such a permit can be acquired".
  - (d) The following stormwater management data for all plans designed in accordance with Chapter 226, Stormwater Management. This information may be provided on a sheet with other data or on separate sheets and need not necessarily be recorded with the final plan. In the case of any dispute in the methodology used in the design of any stormwater management plan and/or in the presentation of such information, the Council shall make the final determination on the design criteria, methodology and form of presentation.  
  
[1] All calculations, assumptions, criteria and references used in the design of the stormwater management facilities, the establishment of existing facilities' capacities and the pre- and post-development peak discharges.



- [2] All plans and profiles of the proposed stormwater management facilities, including the horizontal and vertical location, size and type of material. This information shall be to a detail required for construction of the facilities.
- [3] For all basins, a plotting or tabulation of the storage volumes and discharge curves with corresponding water surface elevations and inflow and outflow hydrographs.
- [4] For all basins which hold two acre-feet or more of water and have an embankment that is six feet or more in height, soil structure and characteristics shall be provided. Plans and data shall be prepared by a registered professional engineer. These submissions shall provide design solutions for the frost-heave potential, spring-swell potential, soil-bearing strength, water infiltration, soil settling characteristics, fill and backfilling procedures and soil treatment techniques as required to protect the improvements for adjacent structures.
- [5] All erosion and sedimentation control measures, temporary as well as permanent, including the staging of earthmoving activities, in sufficient detail to clearly indicate their function.
- [6] The guidelines for lot grading within subdivisions. This information shall identify the direction of stormwater runoff flow within each lot and the areas where stormwater flows will be concentrated. This information shall be provided by flow arrows or topographic data. (See Appendix No. 4 for examples. In areas where the Council believes additional lot grading information is needed to assure proper function of the stormwater management facilities, specific grading information will be required as part of the final plan submittal.
- [7] Finished first floor elevations for all residential units shall be shown on the plan.

E. Additional requirements. Refer to § 240-63 to § 240-67 for additional plan requirements.

### **§ 240-62. Required Reports.**

#### **A. Wetland Studies.**

- (1) The applicant shall submit a wetland study with the submittal of all subdivision and land development plans. The purpose of the study shall be to determine the presence and extent of wetlands on the site.
- (2) The study shall be performed by a qualified wetland scientist whom possesses a minimum of a bachelor's degree in biology, botany, zoology, ecology or environmental sciences. In general, other professionals, such as engineers, landscape architects, surveyors, planners, and geologists are not considered fully qualified to perform wetland delineations, unless they possess special ecological training and experience beyond their discipline. The Borough reserves the right, in as much as no recognized certification program exists for wetland scientists, to determine the qualification of those preparing wetland delineations. Should a state or federal wetland scientist

certification program be established, the Borough will consider only those certified individuals qualified to perform delineations.

- (3) For sites which do not contain any wetlands, an abbreviated report may be submitted. The abbreviated report should contain the Results and Discussion and Conclusions information as required by § 240-62.A(4)(b)[3].
- (4) Requirements for Wetland Studies:
  - (a) Delineation should follow the procedures outlined in the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, and any subsequent amendments.
  - (b) Delineations shall be supported by reports. The Reports shall contain the following sections:
    - [1] Introduction: Description of the physical features of the site, its location and the proposed plans for the site.
    - [2] Methods: Description of the methods used for the survey, with particular emphasis on any deviation from the outlined federal methods. Relevant information includes the date of the field studies, the number of transects and plots used, the size of vegetation quadrants employed, the size of soil pits used, taxonomic references used, and the disposition of any voucher specimens.
    - [3] Results and Discussion: Description of the findings of the study. Soils, vegetation, and hydrology for wetlands and upland areas of the site should be discussed. Any problem areas should be thoroughly treated.
    - [4] Conclusions: The extent of wetlands on the site should be discussed. The impact of the proposed project on these wetlands should also be considered.
  - (c) Included in the report as appendices or tables should be:
    - [1] Site location map (USGS 7.5' quadrangle will suffice).
    - [2] National Wetlands Inventory Map.
    - [3] A letter from the DEP and/or the U.S. Army Corps of Engineers verifying the wetland boundaries shall also be attached to the preliminary plan. The verified boundaries shall be shown on the preliminary plan map.
    - [4] A letter from the Pennsylvania Natural Diversity Inventory (PNDI) identifying any threatened or endangered species and their habitats on or near the site shall be included. If such species or areas are identified, a statement of proposed measures to protect the species or areas shall be included. This statement shall be supplemented by correspondence from appropriate State or federal agencies regarding the adequacy of the proposed protective measures.
    - [5] The applicant shall verify that all required permits from both the U.S. Army Corps of Engineers and DEP have been obtained. If no permit is required, a statement to this effect from these agencies shall be submitted.

- [6] Soil survey map with soil descriptions.
  - [7] Data sheets for each plot.
  - [8] Wetland Boundary Map: Wetland boundaries shall be surveyed by a registered professional surveyor and shown on a plan of appropriate scale. The limits of the wetland study shall be clearly shown. The plan shall also show the location of all plots and/or transects used in the study, the date of delineation, a statement of the method used for the study, the name of the consulting firm which performed the delineation, the name of the surveyor, and a disclaimer statement indicating no wetland boundary is considered jurisdictional until approved the DEP and/or the Army Corps of Engineers.
  - [9] Color photos of wetlands areas on the site, with locations and directions of view keyed to the wetland boundary map.
  - [10] Resumes of the wetland scientist(s) who performed the delineations.
- (5) Compensatory mitigation projects required as part of a state or federal permit shall be shown on all subdivision and/or land development plans. In order to help ensure the long-term viability of wetland mitigation efforts, the Borough discourages multiple ownership of mitigation areas. Ownership by one individual or a homeowners association is encouraged. Owners of the wetland mitigation areas must be clearly identified to the Borough.
  - (6) Conservation easements shall be provided around the perimeter of all wetlands, including those existing wetlands on the lot, and those that may be added as part of the compensatory mitigation projects as part of a state or federal permit requirement. A Conservation Easement Agreement shall be completed prior to the recording of a final plan. The Agreement shall be in a format and contain such information that is acceptable to Council and the Borough Solicitor. The Agreement shall be recorded at the Lancaster County Recorder of Deeds Office to make future lot owners aware of the Conservation Easement and Agreement requirements.
- B. Traffic impact studies.
- (1) Legislative intent.
    - (a) Council and the Commission recognize that the development of land within the Borough presents both benefits and challenges. Each development displays unique circumstances. Without proper information, neither the developer nor the Borough may gauge the actual effect of the development upon the surrounding area, including the existing road network, and how the surrounding area and existing road network may affect safe and convenient access to or use of the property to be developed. Information is vital to enable developments to be designed in a manner which will insure adequate, safe and convenient access and prevent adverse consequences to neighboring properties or existing public facilities.

- (b) Section 503(2)(i) of the MPC expressly authorizes the Borough to include provisions within this chapter to insure that the layout and arrangement of developments shall conform to the Comprehensive Plan and to any regulations or maps adopted to implement the Comprehensive Plan. The MPC, §503(2)(ii) further authorizes the Borough to include in this chapter provisions for insuring that streets in and bordering a proposed development shall be coordinated and shall be of such widths and grades and in such locations as necessary to accommodate prospective traffic and to facilitate fire protection.
- (c) It is the legislative intent of the Borough to require developers to prepare a traffic study to determine whether adequate, safe and convenient access is available to the development site, and, if not, what improvements must be made by developers to provide adequate safe and convenient access. It is also the intent of the Borough in requiring the traffic study to insure that the internal traffic system of the development is designed in manner which will not adversely impact or unduly burden the existing transportation network, access to adjoining properties or planned improvements.
- (2) When Required. Applications for all residential developments or subdivisions containing 20 or more dwelling units or residential lots and all nonresidential developments (with the exception of agricultural development) with buildings containing in excess of 1,000 square feet of usable space shall provide studies and reports in accordance with the requirements of this section.
- (a) Calculation of Units. The number of dwelling units, residential lots or square footage of usable nonresidential space shall be computed based upon all phases of a development planned, and the required traffic study and report shall be completed and submitted with the first phase. Failure to submit the required study and report with the first phase of development when subsequent phases are planned shall constitute a violation of this chapter, and the Borough may avail itself of any and all remedies provided by the MPC, including the refusal to issue any permits or approvals necessary for further development of the tract.
- (3) The traffic study and report shall be required to be submitted with the preliminary plan or preliminary/final plans.
- (4) Traffic Impact Study Requirements. All plans for subdivisions and/or land developments meeting the criteria set forth above shall require the preparation of a traffic study and report by a professional traffic engineer with the following minimum considerations:
- (a) Area of Traffic Impact Study. At a minimum, the traffic area shall include all streets and major intersections within the area contained in a one-half ( $\frac{1}{2}$ ) mile concentric circle drawn around each entrance to the proposed development and, if a street abutting the proposed development does not contain an intersection with another street within that area, the first intersection with such abutting street. If the proposed development will generate in excess of 1,000 trips per day, the traffic impact area

shall include all streets and major intersections contained in a one (1) mile concentric circle drawn around each entrance to the proposed development. The determination of whether an intersection shall be considered a major intersection shall be made in accordance with accepted engineering practices. In the event of a dispute, the determination of the Borough Engineer shall be final.

(b) Traffic Volumes.

[1] Twenty-four hour traffic volume data, including weekdays, Saturdays and Sundays, shall be included for all streets which provide direct access to the proposed development and for the arterial streets and collector streets that will serve the proposed development.

[2] Peak hour traffic volume data shall be included for any major intersection within the traffic impact area. The peak hours of the street network during the weekday morning, weekday afternoon, and Saturday midday time periods shall be used unless documentation is provided to indicate the traffic characteristics of the proposed use are such that analysis of different peak hours would better measure the impacts of the proposed use. The Borough Engineer shall determine the peak hours to be analyzed based on the proposed use.

(c) Existing Traffic Volumes. Existing traffic volumes shall be included for the time periods and locations specified in § 240-62.B(4)(b).

(d) Design Year Predevelopment Traffic Volumes. Design year predevelopment traffic volumes shall be included for the time periods and locations specified in § 240-62.B(4)(b). The design year shall be considered the point in time when the development is completed and shall be determined in accordance with accepted engineering practices. In the event of a dispute as to the design year, the determination of the Borough Engineer shall be final.

(e) Trip Generation. Estimates of the total number of vehicle trips to be generated by the proposed development for typical 24 hour periods, including weekdays, Saturdays and Sundays and the typical a.m. and p.m. peak periods for weekdays, Saturdays and Sundays. Trip generation rates shall be determined through the use of the current edition of the Trip Generation Report published by the Institute of Transportation Engineers.

(f) Trip Assignment. Assignments of postdevelopment 24 hour and peak hour volumes to the arterial streets and collector streets and other streets that will serve the proposed development based upon the projections of increased traffic volumes within the traffic impact area. In making these estimated assignments, consideration shall be given to other developments approved but not yet constructed and to development trends.

(g) Design Year Postdevelopment Traffic Volumes. Design year postdevelopment traffic volumes shall be included for the time periods and locations specified in § 240-

62.B(4)(b) in addition to all proposed site access points onto the existing roadway network.

(h) Capacity analysis.

- [1] Existing levels of service and levels of service projected for the design year without the impacts of the proposed development on all abutting streets and all major intersections within the traffic impact area. Level of service shall be computed in accordance with 2010 Highway Capacity Manual, published by the Transportation Research Board, or any subsequent revision of such manual.
- [2] Capacity and level of service analysis on all abutting streets and all major intersections which will be impacted by the additional volumes generated by the development, including postdevelopment capacity and level of service and degradation of capacity and level of service.
- [3] Levels of service by lane group and overall intersection shall be summarized in matrix form to compare existing conditions, design year predevelopment conditions, and design year postdevelopment conditions.

(i) Mitigation Analysis.

- [1] If the level of service on an abutting street, major intersection, or lane group of any major intersection within the TISA is presently "D" or worse or is projected to be "D" or worse in the design year and the traffic impact study determines that the level of service shall be reduced, or if the level of service is projected to be "F" and the delay increases, then descriptions of the street improvements and traffic control devices then will be required to restore the level of service to that level of service and delay existing prior to the development of the tract. The applicant shall address whether the levels of service may be maintained by revising traffic regulations, reducing the level of intensity of the proposed development or by any other means.
- [2] If the development itself does not decrease the level of service of abutting streets or intersections, an allocation of the effect of the proposed development. For example, if the effect of the proposed development when combined with other development would require the installation of a traffic control device at a major intersection, the percentage of the traffic increase which would require such an improvement shall be allocated to the proposed development.
- [3] Description of street improvements and traffic control devices that will be required to:
  - [a] Mitigate traffic congestion which will be caused by the proposed development;
  - [b] Mitigate traffic safety hazards which will be caused by the proposed development; and
  - [c] Avoid problems of traffic congestion and safety.

- [4] Cost estimates of the street improvements and traffic control devices indicated in Subsection B(4)(i)[3] above shall be provided.
  - [5] Description of existing and planned public transportation services in the borough and the potential of such public transportation to serve the proposed development.
  - [6] Descriptions of any actions proposed or offered by the applicant to alleviate the impact of the proposed development on the Borough's transportation network.
- (j) Site access evaluation.
- [1] The applicant shall demonstrate that the road network included in the TISA area providing access to the site can accommodate the volume of traffic reasonably expected to be generated by the proposed use in a safe and convenient manner. The applicant shall identify whether the applicant will make any improvements necessary to the road network to provide for safe and convenient access to the site and/or whether the steps can be taken to provide safe and efficient access, including, but not limited to, reduction of the intensity of the proposed development, changes in speed or traffic limitations.
  - [2] The applicant shall demonstrate that the horizontal and vertical alignments and grades of the existing road network included within the TISA and the proposed streets or accessways to the site permit safe and convenient access to the site. If the TISA concludes that safe and convenient access to the site requires changes in horizontal and vertical alignments and grades of the existing road network, the applicant shall address what steps can be taken to provide safe and efficient access, including, but not limited to, reduction of the intensity of the proposed development, changes in speed or traffic limitations, and/or improvements to the road network.
  - [3] The applicant shall demonstrate that access to neighboring properties shall not be made unsafe or inconvenient or shall propose improvements, acceptable to the affected property owners, to ensure that access to all neighboring properties shall be maintained at a level of convenience and safety which is at least equal to that without the proposed use or development.
  - [4] The applicant shall demonstrate that the proposed use will not create unusual traffic patterns or movements which will jeopardize the traveling public.
    - [a] Stacking and/or turn lanes of sufficient length shall be provided on the site or shall be added to existing streets providing access to the site to ensure that there shall be no blockage of through traffic. The design and length of the stacking lanes shall be justified and supported by computer optimization analyses which determine queue capacities and minimum storage lengths at existing intersections abutting the proposed development and at new intersections within the development.

- [b] Accessways to and within the site shall be located in a manner that blockage of through traffic by vehicles attempting to enter or exit an accessway will not occur.
  - [c] The applicant shall demonstrate that the proposed streets or accessways to the site are designed and located in a manner that will provide the least detrimental impact with regard to traffic capacity, level of service and safety upon abutting roads. The applicant shall install all traffic control devices necessary to mitigate detrimental impact.
  - [d] The applicant shall demonstrate that access to neighboring properties shall not be made unsafe or inconvenient or shall propose improvements, acceptable to the affected property owners, to ensure that access to all neighboring properties shall be maintained at a level of convenience and safety which is at least equal to that without the proposed use or development.
- (k) Design standards. Any improvements which are proposed to be constructed by the Applicant in order to mitigate traffic impacts as part of the traffic impact study shall comply with the design standards in Article V of this Chapter.
- (l) The source of the standards used and the data presented.
- (5) Contribution in lieu of preparation of studies. If an applicant believes that the preparation of traffic study and report required herein is not warranted, he may request the Council to waive the preparation of such study and report and shall make an estimated contribution of the sum necessary to defray the costs of improvements which would be recommended by such studies. At the time of adoption of this chapter, the estimated contribution shall be \$350.00 per dwelling unit or residential lot in a residential subdivision or land development or \$1.50 per square foot of usable building floor area in a commercial, industrial or institutional subdivision or land development. The Council may revise the estimated contribution by Resolution.
- (a) The applicant for approval of any commercial, industrial or institutional subdivision or land development shall provide the Borough with a certification of the usable building floor area to be constructed for the purpose of determining the contribution in lieu of preparation of studies.
  - (b) The contribution in lieu of preparation of studies provided for herein shall be in addition to all other review, inspection and other fees or charges imposed by the Borough and all sums otherwise agreed to be paid by the applicant.
  - (c) The applicant shall enter into an agreement with the borough setting forth the contribution in lieu of preparation of studies to be paid and the studies to be waived by the Borough. All such agreements shall be in a form satisfactory to the Borough Solicitor. The agreement may be included with the land development agreement. Signature of acceptance of proposed conditions by the applicant shall also be acceptable.



- (d) All contributions in lieu of preparations of studies fees shall be paid prior to recording of the final plan.
- (6) Projects requiring PennDOT Highway Occupancy Permits (HOP). If a project proposes an access along a state-owned highway and PennDOT requires a traffic impact study as part the HOP approval process, the Borough Engineer may allow modifications to the requirements in § 240-62.B(4) in order to allow a single report to meet the requirements of PennDOT and the Borough. If an applicant does not agree with the determination of the Borough Engineer, a formal waiver may be requested from the Council.
- C. Hydrogeologic Report. When there is a reasonable probability that a project will affect or be affected by carbonate geologic hazards the Council shall require submission of a hydrogeologic report. In reaching a determination of whether a project will affect or be affected by carbonate geologic hazards, the Council shall consider the presence or absence of carbonate features in the vicinity of the project, the testimony of qualified expert witnesses, and such other reasonable information as may be available. All hydrogeologic reports shall be prepared at the Applicant's expense by a licensed Geologist qualified in such matters. Each hydrogeologic report shall contain:
- (1) A map showing all sinkholes, depressions, lineaments, faults, outcrops, springs, drainage entering the ground, water table, soil mottling and ghost lakes, and all features that may relate to the quality and availability of groundwater within 200 feet in all directions from the subject tract.
  - (2) A map outlining all private wells within a radius of 200 feet of the subject tract and all public water supplies, associated pipes, hydrants, and future service areas within 200 feet in all directions of the subject tract provided such information is available from public sources or documents.
  - (3) A listing of all referenced data, published and otherwise.
  - (4) A topographic site map with the site clearly outlined.
  - (5) A map indicating the location and design of all on-site wastewater disposal systems and secondary systems.
  - (6) A description of anticipated water quality impacts to areas located downgradient and areas located along the geologic strike.
  - (7) A description of on site mitigation measures that could be applied to minimize impacts to the project or to correct existing problems.

**§ 240-63. Sketch plans.**

- A. Drafting standards. Sketch plans shall include all information required in § 240-61.A.
- B. Location and identification. Sketch plans shall include all information required in § 240-61.B.
- C. Existing features.

- (1) Existing contours. Lancaster County Geographic Information Systems (GIS) Topography may be accepted.
- (2) The following items when located within the subject tract:
  - (a) The name and approximate location and approximate dimensions of existing rights-of-way or easements relating to streets, cartways, access drives, driveways or service streets, public utilities, stormwater management facilities, telecommunications, electric, gas, and oil transmission lines. The approximate location of railroads, buildings, environmental and topographic features, including, but not limited to, floodplains, wetlands, quarry sites, woodlands, habitats for threatened and endangered species, solid waste disposal areas, historic resources, cemetery or burial sites, archeological sites, or areas with highly erosive soils.
- (3) When available, the following items when located within two hundred (200) feet of the subject tract as inventoried in the Lancaster County GIS:
  - (a) The name and approximate location and approximate dimensions of existing rights-of-way or easements relating to streets, cartways, access drives, driveways or service streets, public utilities, stormwater management facilities, telecommunications, electric, gas, and oil transmission lines. The approximate location of railroads, buildings, floodplains and wetlands.
- (4) In the case of a plan for which the subject tract has an environmental covenant executed pursuant to the Pennsylvania Environmental Covenants Act, Act no. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include the boundary limits of any contamination remaining on site. The application shall include a copy of the Environmental Covenant Agreement and any required engineering and institutional controls.

D. Additional Information.

- (1) The total approximate acreage of the entire existing tract .
- (2) The zoning district and lot size and/or density requirements of the applicable zoning regulations.
- (3) The approximate layout of lots, with approximate dimensions.
- (4) The total number of lots, units or occupancy, density and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
- (5) The approximate layout of streets, including cartway and right-of-way widths.
- (6) The approximate location and configuration of proposed buildings, parking lots, streets, access drives, driveways, general storm water facility locations, and wooded area to be cleared.
- (7) Building setback lines.
- (8) A note on the plan indicating the types of sewer and water facilities to be provided.

- (9) Identification of any modifications intended to be requested.
- (10) A copy of any applicable zoning decisions.
- (11) Location of any recreation or open space land to be provided.
- (12) Location of any existing trails transversing the tract, any trails transversing contiguous tracts, proposed trails, and any recreation or open space land on contiguous tracts.

**§ 240-64. Preliminary plans.**

- A. Drafting standards. Preliminary plans shall include all information required in § 240-61.A.
- B. Location and identification. Preliminary plans shall include all information required in § 240-61.B.
- C. Existing features. Preliminary plans shall include all information required in § 240-61.C.
- D. Plan information. Preliminary plans shall include all information required in § 240-61.D in addition to the following requirements:
  - (1) The layout of streets, alleys and sidewalks, including cartway and right-of-way widths.
  - (2) The layout of lots, with approximate dimensions.
  - (3) Street center-line profile for each proposed public or private street and/or access drives shown on the preliminary plan, including corresponding center-line stationing.
  - (4) The preliminary design of the proposed sanitary sewer mains, water supply mains and stormwater management facilities. This information shall include the approximate size, vertical location and horizontal location, if applicable.
  - (5) A statement on the plan indicating any proposed zoning amendment, special exception or variance, if applicable.
  - (6) A statement on the plan indicating any existing or proposed waivers granted by the Council.
  - (7) Proposed street names.
  - (8) A copy of any applicable zoning decisions.
- E. Certificates, notifications, reports and studies.
  - (1) Certificates.
    - (a) Where the preliminary plan covers only a part of the entire landholdings, a sketch plan of the unsubmitted part, in a form suitable to the execution of the feasibility report on sewer and water facilities for the unsubmitted part shall be furnished. The street system of the plan under consideration may be subject to review, and the submitted part will be considered in light of adjustments and connections with future streets in the part not submitted.
    - (b) Certificate for review by the Commission with space for the signatures of the chairman of the Commission, or his designee. (See Appendix No. 5.)

- (c) Certificate for approval by the Council with space for the signatures of the President of the Council and the Borough Secretary. (See Appendix No. 6.)
  - (d) Certificate, signature and seal of the surveyor, to the effect that the survey and/or plan are correct. (See Appendix No. 7.)
  - (e) Certificate, signature and seal of the engineer or landscape architect responsible for the design of the stormwater and utility systems. (See Appendix Nos. 8 and 9.)
  - (f) A copy of a certificate of public convenience or an application for such certificate, a cooperative agreement or agreement to serve the area in question, whichever is appropriate, from the Authority shall be submitted.
  - (g) Evidence of review by the Authority, if applicable. (See Appendix Nos. 10 and 11.)
- (2) Notifications.
- (a) Where the tract described in the application includes any public utility, electric transmission line, gas pipeline or petroleum product transmission line located within the tract, the applicant or lessee of such right-of-way shall notify the owner of the right-of-way of his intentions in accordance with Pennsylvania Act 287. A note stating any condition regarding the use of the land, minimum building setback or right-of-way lines shall be included on the plan. This requirement may also be satisfied by submitting a copy of the recorded agreement.
  - (b) Where land included in the subject application has an agricultural, woodland or other natural resource easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land.
- (3) Reports and studies.
- (a) A hydrologic report as required by Chapter 226, Stormwater Management.
  - (b) Wetland Study as described in § 240-62.A of this chapter.
  - (c) Traffic Study as described in § 240-62.B of this chapter.
  - (d) Hydrologic Report as described in § 240-62.C of this chapter.
- F. Filing fee. The preliminary plan shall be accompanied by a check or money order drawn to the order of Mount Joy Borough in an amount specified on the fee schedule adopted by resolution of the Council and available at the Borough Secretary's office.

**§ 240-65. Final and preliminary/final plans.**

- A. Drafting standards. Final plans and preliminary/final plans shall include all information required in § 240-61.A. In addition, the plan shall be formatted in a manner meeting the then-current requirements of the Office of the Recorder of Deeds.
- B. Location and identification. Final plans and preliminary/final plans shall include all information required in § 240-61.B.

- C. Existing features. Final plans and preliminary/final plans shall include all information required in § 240-61.C.
- D. Plan information. Final plans and preliminary/final plans shall include all information required in § 240-61.D in addition to the following requirements:
- (1) Complete description of the center line and the right-of-way line for all new streets, whether public or private, and alleys. The description shall include distances and bearings with curve segments comprised of radius, tangent, arc and chord.
  - (2) Lot lines, with accurate bearings and distances and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearings and distances. Along existing street rights-of-way the description may utilize the existing deed lines or street center lines; along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines.
  - (3) Final vertical and horizontal alignment for proposed public or private streets, alleys, access drives, and sanitary sewer and water distribution systems. All street profiles shall show at least the existing (natural) profile along the center line, proposed grade at the center line and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations and the size and type of material. This information may be provided on separate sheets and is not subject to recording with the final plans.
  - (4) Final street names.
  - (5) In the case of land development plans, a grading plan. The grading plan shall include finished grades and ground floor elevations. This information may be provided on separate sheets and is not subject to recording with the final plans.
  - (6) A statement on the plan indicating the granting of a zoning amendment, special exception or variance, if applicable, along with waivers granted by the Council to sections of this Chapter. If any special exceptions or variances granted by the Zoning Hearing Board contain conditions, all of the conditions shall be included as notes on the plan.
  - (7) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
- E. Certificates, notifications and reports.
- (a) Certificate, signature, and seal of the surveyor, to the effect that the survey and/or plan are correct. (See Appendix No. 7).
  - (b) Certificate for review by the Commission with space for signature by the Chairman of the Commission or his designee. (See Appendix No. 12).
  - (c) Certificate for approval by the Council with space for signature by two members of the Council. (See Appendix No. 13.)

- (d) A statement, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the landowner, certifying that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, that they desire the same to be recorded as such and that all streets and other property identified as proposed public property dedicated for public use. (See Appendix No. 14.). This must be dated following the last change or revision to the subdivision or land development plan.
  - (e) Certification of review by the Lancaster County Planning Commission. (See Appendix No. 15.).
- (2) Notifications.
- (a) Written notice from the DEP that approval of the sewer facility plan revision (plan revision module for land development) or supplement has been granted or notice from the Department that such approval is not required.
  - (b) Where the tract described in the subject application includes any public utility, electric transmission line, gas pipeline or petroleum product transmission line located within the tract, the applicant or lessee of such right-of-way shall notify the owner of the right-of-way of his intentions in accordance with Pennsylvania Act 287. A note stating any condition regarding the use of the land, minimum building setback or right-of-way lines shall be included on the plan. This requirement may also be satisfied by submitting a copy of the recorded agreement.
  - (c) Written notice from the District Address Manager and the Lancaster County Wide Communications office stating that the proposed private and/or public street, and/or access drive names that are proposed for the subdivision or land development are acceptable.
  - (d) A note placed on the plan indicating any area that is not to be offered for dedication, if applicable.
  - (e) Written notice from the Borough Engineer and the Authority's engineer that all proposed improvements have been designed to the standards of the Borough and the Authority and that financial guaranties in a form suitable to the Council and the Authority have been received. (See Appendix 16 and 17 and § 240-31).
  - (f) Written notices of approval as required by this Chapter, including written notices approving the water supply systems, sanitary sewer systems and stormwater runoff to adjacent properties. (See § 240-52 and § 240-53 for specific requirements).
  - (g) The submission of a controlling agreement in accordance with § 240-43.B when an application proposes to establish a street which is not offered for dedication to public use.
  - (h) Written notices from the emergency service providers that will serve as the primary responders for the subdivision or land development that the street and building

layout are satisfactory and will not present any obstacles or other problems for emergency responders to the subdivision or land development.

- (i) For all stormwater management facilities that affect an existing watercourse or have an upland drainage area greater than ½ square mile, notification from the DEP of approval or that no approval is required.
- (3) Reports and studies.
- (a) A hydrologic report as required by Chapter 226, Stormwater Management.
  - (b) Wetland Study as described in § 240-62.A of this chapter.
  - (c) Traffic Study as described in § 240-62.B of this chapter.
  - (d) Hydrogeologic Report as described in § 240-62.C of this chapter.
- (4) Other documentation.
- (a) Legal description for any easements to be dedicated to the Borough, including, but not limited to, drainage easements and snow stockpile easements. Upon preparation of appropriate documentation in recordable form approved by the Borough Solicitor, such documentation shall be executed by all landowners.
  - (b) Legal description for any rights-of-way along existing streets to be dedicated to the Borough or PennDOT. Upon preparation of appropriate documentation in recordable form approved by the Borough Solicitor, such documentation shall be executed by all landowners.
  - (c) A stormwater management agreement and declaration of easement in the form required by the Chapter 226, Stormwater Management, properly executed by all landowners with executed joinders by all mortgage holders.
  - (d) A conservation easement agreement and declaration of easement, in a form acceptable to the Borough Solicitor, properly executed by all landowners.
  - (e) If the final plan proposed access or storm drainage facilities to be located on adjoining tracts, recordable easements in a form acceptable to the Borough Solicitor.
  - (f) Properly executed land development agreement in the form and content required by the Borough setting forth, among other things, the responsibilities for the development of the property and listing required improvements, lands to be dedicated, and contributions to be made to the Borough.
  - (g) If the final plan proposes an enlargement of an existing lot, a copy of the deed to transfer the land and a copy of a deed with a perimeter description for the enlarged lot. The applicant shall present evidence to the Borough that the applicant has recorded such deeds prior to the final release of financial security.
  - (h) If all required improvements have not been installed, financial security in a form and in the amount meeting all MPC requirements and all requirements of this chapter.

- (i) Residential lot disclosure plan and supplemental information in accordance with § 240-68.
- (5) Filing fee. The final plan shall be accompanied by a check or money order drawn to the order of Mount Joy Borough in an amount specified on the fee schedule adopted by resolution of the Council and available at the Borough Secretary's office.

**§ 240-66. Lot-line change plans.**

- A. Drafting standards. Lot-line change plans shall include all information required in § 240-61.A. In addition, the plan shall be formatted in a manner meeting the then-current requirements of the Office of the Recorder of Deeds.
- B. Location and identification. Lot-line change plans shall include all information required in § 240-61.B.
- C. Plan information. Lot-line change plans shall include all of the information required in § 240-61.D and the additional information required for final plans in § 240-65.D.
- D. Certificates.
  - (1) Certificate, signature, and seal of the surveyor, to the effect that the survey and/or plan are correct. (See Appendix No. 7).
  - (2) Certificate for final plan review by the Commission. (See Appendix No. 12).
  - (3) Certificate for final plan approval by the Council. (See Appendix No. 13).
  - (4) A statement, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the landowner, certifying that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, that they desire the same to be recorded as such and that all streets and other property identified as proposed public property dedicated for public use. (See Appendix No. 14.). This must be dated following the last change or revision to the subdivision or land development plan.
- E. All applicable notifications and reports shall be required to be filed with the Borough prior to release of the plan for recording. See § 240-65.E for notification and report requirements.

**§ 240-67. (Reserved)**



**§ 240-68. Residential lot disclosure.**

When required, a plot of each residential lot which is created by the subdivision plan shall be prepared including the items in this section.

- A. Residential lot disclosure exhibit. The residential lot disclosure exhibit shall be a plan with a sheet size of 8 ½" by 11" which includes the following information:
- (1) The grading of the lot depicting the street upon which the residence will front;
  - (2) The building envelope with front, rear and side yards shown, and the proposed first floor elevation of the property; and
  - (3) All easements and rights-of-way within the subject lot.
  - (4) Any wetlands or floodplain areas within the subject lot.
  - (5) The location of stormwater management facilities, including, but not limited to, detention/retention basins and the paths of stormwater runoff.
  - (6) The current maximum building coverage and impervious coverage permitted by Chapter 270, Zoning.
  - (7) Any zoning boundary lines which abut the subject lot and an indication of the present zoning which abuts the subject lot.
- B. Residential lot disclosure narrative. The information listed below shall be clearly shown or noted on the approved plans and summarized in text narrative.

- (1) Common areas such as park lands, streets, and open space which are part of the subdivision or adjacent to the lot and/or building being sold;
- (2) All lot lines within the development;
- (3) All uses permitted within the development by Mount Joy Borough's current Zoning Ordinance, including accessory uses, and all limitations, easements, deed restrictions, and other restrictions which affect the development of the lots and use thereof;
- (4) Membership in a homeowner's association, if required, including a copy of the homeowner's association or condominium agreement, including the Declaration of Covenants, Conditions and Restrictions.
- (5) Ownership and maintenance responsibility for any stormwater management facilities located on the subject lot.

§ 240-69. (Reserved)

§ 240-70. (Reserved)

## **Article VIII. Mobile Home Parks**

### **§ 240-71. Processing procedures.**

Mobile home park plans shall be processed in accordance with the procedures set forth in Article III and Article VII of this chapter and Chapter 270, Zoning. Mobile home park plans shall comply with the requirements of Article VI of this chapter.

### **§ 240-72. Water supply; sewage disposal.**

- A. All mobile home parks shall be connected to a public or community water supply in accordance with the requirements of Articles IV and V of this chapter. Adequate provision shall be made to protect the water service lines from damage, including a shutoff valve on each mobile home lot below the frost line.
- B. All mobile home parks shall be connected to a sewage disposal system in accordance with the requirements of Articles IV and V, and each mobile home shall be connected to the sewage disposal system. Adequate provisions shall be made to protect the sanitary sewer lines from stormwater infiltration and breakage.

### **§ 240-73. Streets, curbs and sidewalks.**

Streets, curbs and sidewalks shall be provided in accordance with the requirements of Article V of this chapter.

### **§ 240-74. Lot size and/or density.**

Lot size and density shall comply with Chapter 270, Zoning.

### **§ 240-75. Storm drainage; erosion and sedimentation; floodplain controls.**

All mobile home parks shall conform to the requirements of Chapter 226, Stormwater Management, with respect to stormwater drainage, erosion and sedimentation and floodplain controls.

**§ 240-76. Lighting.**

All streets, alleys and parking lots shall be lighted to provide an average minimum two (2)-footcandle level of illumination at an elevation of three (3) feet above the grade for the safe movement of pedestrians and vehicles at night. All lighting shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way. Lighting shall comply with Chapter 270, Zoning.

**§ 240-77. Landscaping.**

Landscaping shall comply with Chapter 270, Zoning, and § 240-55.

**§ 240-78. Solid waste disposal.**

Solid waste disposal shall be the responsibility of the operator of the mobile home park, travel trailer park or campground and shall be performed in accordance with the requirements of the DEP.

**§ 240-79. (Reserved)**

**§ 240-80. (Reserved)**

## **Article IX. Administration**

**§ 240-81. Modifications.**

A. Conditions under which modifications may be granted. The provisions of this chapter are intended as a minimum standard for the protection of the public health, safety and welfare. If the literal compliance with any mandatory provision of this chapter is shown by the applicant, to the satisfaction of a majority of the members of the Commission present at a public meeting, to be unreasonable and to cause undue hardship because of peculiar conditions pertaining to the particular property, and if the applicant shows that an alternative proposal will allow for equal or better results and represents the minimum modification necessary, the Commission may recommend the Council grant a modification or waiver from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a modification or waiver shall not have the effect of making null and void the intent and/or purpose of this chapter.

B. Application requirements. All requests for waivers shall be made in accordance with the following procedure:

- (1) All requests for a modification or waiver shall be made in writing and shall be made prior to or shall accompany and be a part of the application for development. The

request must be accompanied by any required fee. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the section or sections of this chapter which are requested to be waived, and the minimum modification necessary. If not a part of the application for another type of plan in this chapter, the request shall be accompanied by a plan prepared at least to the minimum standards of a sketch plan (see Article VII).

- (2) Should a revision to a submitted plan require a modification or waiver which was not apparent at the time of initial plan submission, the request for a waiver shall be submitted in accordance with Subsection B(1) above at the time of submission of the revised plans.
  - (3) Requests for modifications or waivers shall be considered by the Council at a public meeting which is at least seven days after the submission of the modification or waiver request, and which has been reviewed by the Commission at a public meeting.
- C. Action on modification applications. At a public meeting, the Council shall review the request in accordance with the requirements in Subsection A. The applicant shall demonstrate that an alternative proposal will allow for equal or better results and represents the minimum modification necessary. If the Council determines that the applicant has met this burden, it may grant a waiver from the literal compliance with the terms of this chapter. In granting waivers, the Council may impose such conditions as will, in its judgment, secure the objectives and purposes of this chapter.
- D. Records. The Council shall keep a written record of all action on all requests for modifications.

#### **§ 240-82. Enforcement.**

- A. It shall be the duty of the Zoning Officer, Borough Engineer, and/or other such duly authorized representative of Mount Joy Borough, and he is hereby given the power and authority, to enforce the provisions of this chapter.
- B. The Zoning Officer shall require that the application for a zoning permit contain all information necessary to enable him to ascertain whether the proposed building, alteration or use is located in an approved subdivision or land development. No zoning permit shall be issued until the Zoning Officer has determined that the site for the proposed building, alteration or use complies with all the provisions of this chapter and conforms to the site description as indicated on the approved and recorded final plan.

#### **§ 240-83. Appeals.**

All appeals from decisions of the Council in the administration of this chapter shall be made in accordance with the provisions of the MPC.

#### **§ 240-84. Violations and penalties; preventative remedies.**

- A. Any person, partnership or corporation, or the members of such partnership or the officers of such corporation, who or which being the owner or agent of the owner of any lot, tract or

parcel of land, shall: 1) lay out, construct, open and/or dedicate any street, sanitary sewer, storm sewer, water main or other improvement for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon; 2) sell, transfer or agree to enter into an agreement to sell or transfer any land in a subdivision or land development, whether by reference to or by use of a plan of such subdivision or land development or otherwise; 3) erect any building or buildings which constitute a land development thereon; 4) commence site grading or construction of improvements prior to approval of an improvement construction plan or recording of a final plan; 5) fail to comply with any condition imposed upon approval of a preliminary plan or a final plan or any condition imposed upon the granting of any waiver; 6) fail to comply with any agreement with the Borough or the Authority relating to development in accordance with a preliminary plan or a final plan; 7) fail to comply with any note included on an approved preliminary plan or final plan; 8) construct or permit the construction of any improvement or develop or permit the development of any property in a manner which does not fully comply with the approved improvement construction plan or final plan, as applicable; 9) knowingly provide false information on any plan, report, certification or other document required to be submitted by this chapter; or 10) in any other way takes action or permits another to take action not authorized by this chapter or contrary to the provisions of this chapter commits a violation of this chapter. Such person shall be subject to all of the penalties and remedies set forth in Article V of the MPC.

- B. In addition to other remedies, the Borough may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations of this chapter, to prevent unlawful construction, to recover damages and/or to prevent illegal occupancy of a building, structure or premises.
- C. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- D. The Borough may further refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter. The authority to deny such permit or approval shall apply to any of the following applicants:
  - (1) The owner of record at the time of such violation.
  - (2) The vendee or lessee of the owner of record at the time of such violation without regard to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - (3) The current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual constructive knowledge of the violation.

- E. As an additional condition for the issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real estate.

**§ 240-85. Fees and charges.**

The Borough may impose fees and charges to recover all costs incurred in the administration of this chapter. All fees and charges may be adopted by resolution or ordinance. These fees may include, but not be limited to, an application fee; fees for the review of the plans, studies, financial security and associated documentation by the Borough Engineer, Borough Solicitor or other professional consultant; fees for the inspection of improvements installed in connection with development authorized by a plan; and fees for the acceptance of dedication of improvements.

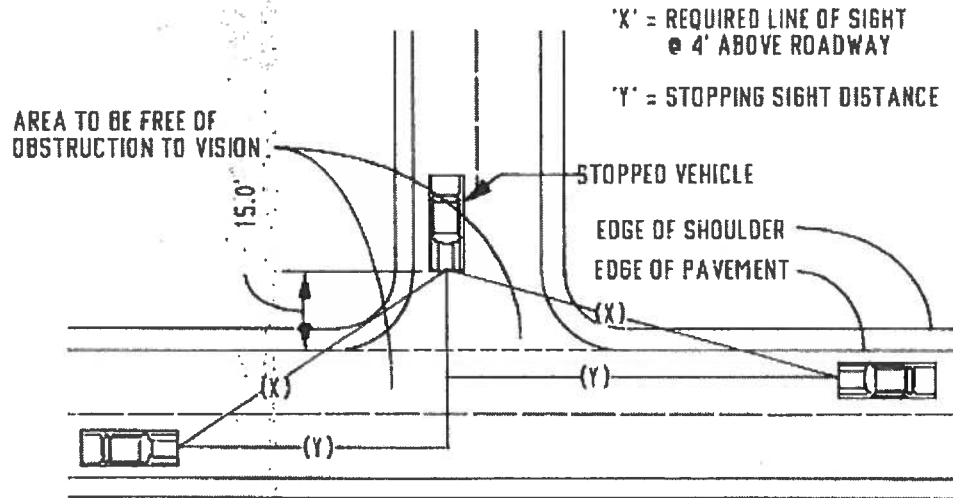
**§ 240-86. Construal of provisions.**

In the interpretation and application of the provisions of this chapter, said provisions shall be deemed to be the minimum requirements necessary for the promotion and protection of the public health, safety and welfare. Where the provisions of this chapter and all standards and specifications implementing it impose greater restrictions upon subdivision or land development than those of any other Borough ordinance or any regulation or any applicable land development agreement, the provisions of this chapter and its standards and specifications shall be controlling. Where the provisions of any statute, regulation, other Borough ordinance or applicable land development agreement impose greater restrictions upon subdivision or land development than this chapter, the provisions of such statute, regulation, other ordinance or applicable land development agreement shall be controlling.

**§ 240-87. Repeals and Continuation of Prior Regulations.**

Except as otherwise required by law, this chapter is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this chapter restates regulations contained in ordinances previously enacted by Council, this chapter shall be considered a restatement and not a repeal of such regulations. It is the specific intent of the Council that all provisions of this chapter shall be considered in full force and effect as of the date such regulations were initially enacted. It is expressly provided that the provisions of this chapter shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulations or ordinance, or part thereof, or to punish any violation which occurred under any prior subdivision and land development regulation or ordinance. In the event any violation has occurred under any prior subdivision and land development regulation or ordinance of the Borough, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior subdivision and land development regulation or ordinance, and the provisions and penalties provided in said prior subdivision and land development regulation or ordinance shall remain effective as to said violation.

## Appendix No. 1 Clear Sight Triangle



CLEAR SIGHT TRIANGLE AND  
STOPPING SIGHT DISTANCE

Appendix No. 2

Stopping Sight Distance

SPEED (MPH)	HIGHWAY GRADE IN %																												
	0	+1	+2	+3	+4	+5	+6	+7	+8	+9	+10	+11	+12	+13	-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11	-12	-13		
15	75'	74'	73'	73'	73'	73'	72'	72'	71'	71'	71'	71'	70'	70'	75'	76'	77'	77'	78'	78'	79'	79'	80'	81'	82'	83'	84'	85'	
20	109'	108'	107'	106'	105'	105'	104'	103'	102'	102'	102'	101'	101'	100'	109'	111'	112'	113'	114'	115'	117'	118'	119'	121'	123'	125'	127'	127'	
25	147'	145'	144'	143'	142'	140'	139'	138'	137'	136'	136'	134'	134'	133'	147'	150'	151'	153'	155'	157'	159'	161'	164'	166'	169'	172'	175'	175'	175'
30	196'	194'	191'	189'	187'	185'	183'	182'	180'	178'	178'	175'	174'	173'	198'	201'	204'	207'	210'	214'	217'	221'	226'	230'	235'	241'	247'	247'	247'
35	249'	245'	242'	238'	236'	233'	231'	228'	226'	224'	224'	221'	219'	217'	252'	256'	260'	265'	269'	274'	280'	286'	292'	294'	306'	314'	323'	323'	323'
40	314'	309'	304'	299'	295'	291'	287'	284'	280'	277'	277'	274'	271'	268'	319'	325'	331'	337'	345'	352'	360'	369'	379'	389'	401'	414'	428'	428'	428'
45	383'	376'	370'	364'	358'	353'	348'	343'	338'	333'	329'	325'	321'	317'	390'	398'	406'	415'	425'	435'	447'	459'	472'	487'	503'	521'	560'	560'	560'
50	462'	453'	444'	436'	429'	421'	415'	409'	403'	397'	392'	388'	382'	378'	471'	481'	492'	504'	517'	531'	547'	563'	581'	600'	622'	647'	676'	676'	676'
55	538'	527'	517'	508'	491'	490'	482'	475'	467'	461'	454'	443'	433'	422'	550'	562'	576'	590'	605'	622'	641'	660'	682'	706'	733'	762'	795'	795'	795'



**Appendix No. 3      Driveway Certification**

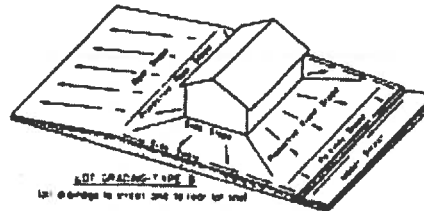
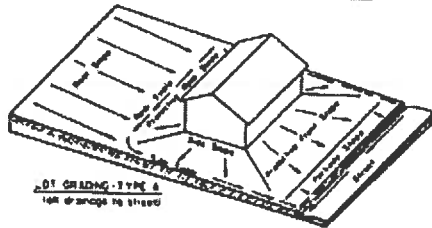
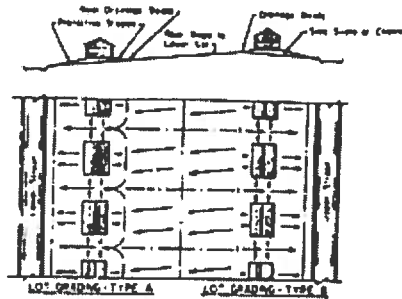
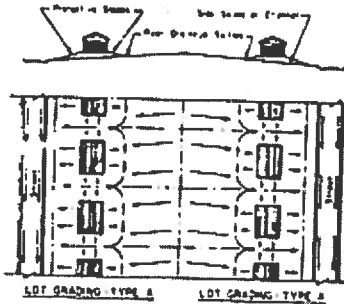
I hereby certify that, consistent with the regulations of the Pennsylvania Department of Transportation, a permit can be issued to allow driveway(s) and/or streets(s) to be constructed at the locations shown hereon. \_\_\_\_\_, 20\_\_.

\* \_\_\_\_\_  
[SEAL OF REGISTERED PROFESSIONAL]

\* Signature of the registered professional responsible for the preparation of the driveway plan.

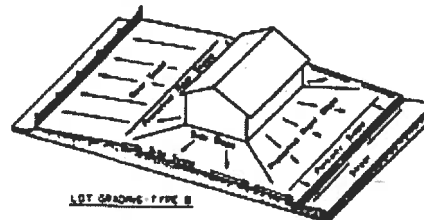
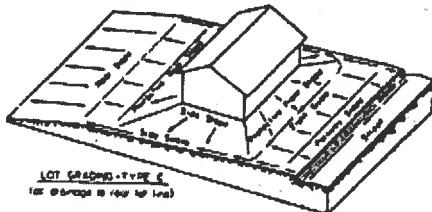
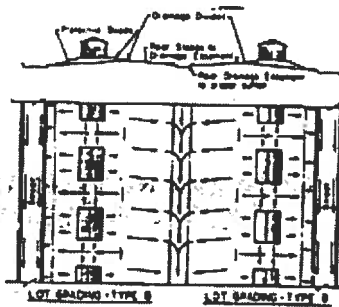
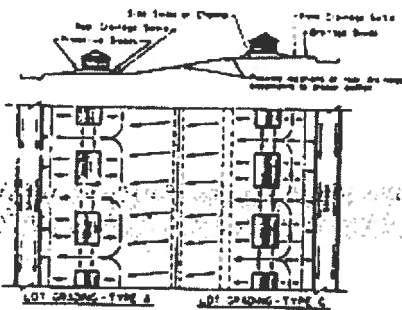
# Appendix No. 4 Lot Grading

## LOT GRADING PLAN EXAMPLES



EXAMPLE BLOCK GRADING TYPE 1  
Slope Along Rear Lot Lines

EXAMPLE BLOCK GRADING TYPE 2  
Slope Cross-Slope



EXAMPLE BLOCK GRADING TYPE 3  
Slope Cross-Slope

EXAMPLE BLOCK GRADING TYPE 4  
Slope Along Rear Lot Lines

Source: Iowa Department of Soil Conservation, Soil and Water Conservation in Urban Areas.

**Appendix No. 5      Planning Commission Preliminary Plan Review  
Certificate**

At a meeting on \_\_\_\_\_, 20\_\_\_\_, the Mount Joy Borough Planning Commission reviewed preliminary plan of this project.

\* \_\_\_\_\_

\* Signature of the Chairman or his designee.

**Appendix No. 6      Borough Council Preliminary Plan Approval Certificate**

At a meeting on \_\_\_\_\_, 20\_\_\_\_, the Mount Joy Borough Council granted preliminary plan approval of this project, including the complete set of plans marked sheet(s) \_\_\_\_ through \_\_\_\_ which form a part of the application dated \_\_\_\_\_, last revised \_\_\_\_\_. This plan may not be recorded in the office of the Recorder of Deeds in and for Lancaster County nor may any construction be initiated.

\* \_\_\_\_\_ \* \_\_\_\_\_

\* Signatures of the Council President and Borough Secretary or their designees.

**Appendix No. 7      Certificate of Accuracy**

I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct to the accuracy required by Chapter 240, Subdivision and Land Development \_\_\_\_\_, 20\_\_\_\_.

\* \_\_\_\_\_

[SEAL OF ENGINEER OR SURVEYOR]

\* Signature of the registered engineer or registered surveyor responsible for the preparation of the plan.

**Appendix No. 8      Stormwater Management Plan Certification**

I hereby certify that, to the best of my knowledge, the stormwater management facilities shown and described hereon are designed in conformance with Chapter 240, Subdivision and Land Development and Chapter 226, Stormwater Management. \_\_\_\_\_, 20\_\_\_\_.

\* \_\_\_\_\_

[SEAL OF REGISTERED PROFESSIONAL]

\* Signature of the registered professional responsible for the preparation of the stormwater management plan.

### **Appendix No. 9 Utility Design Certification**

I hereby certify that, to the best of my knowledge, the (public) (community) (sewer) (water) system(s) has/have been designed in accordance with the rules, regulations and (standard construction and material specifications for waste water collection system extensions) and (the general specifications for water system construction) of Mount Joy Borough Authority and the water supply (will meet) (will be treated to meet) the requirements of the Pennsylvania Department of Environmental Protection. \_\_\_\_\_, 20\_\_.

\* \_\_\_\_\_  
[SEAL OF REGISTERED PROFESSIONAL]

\* Signature of the registered professional responsible for the preparation of the utility design plan.

### **Appendix No. 10 Preliminary Design Review Certificate – Sewer**

The Mount Joy Borough Authority presently has adequate capacity in the existing public sanitary sewer system to convey the estimated \_\_\_\_\_ gallons per day sanitary sewage flow from this proposed development. The facilities to be constructed must meet with the approval of the Mount Joy Borough Authority Engineer and Solicitor and comply with the Authority's rules, regulations and standard construction and material specifications for wastewater collection system extensions.

\* \_\_\_\_\_ \*

\* Signatures of the Chairman and Vice Chairman or their designees.

**Appendix No. 11 Preliminary Design Review Certificate – Water**

The Mount Joy Borough Authority presently has adequate capacity in the existing public water system to deliver the estimated \_\_\_\_\_ gallons per day water supply demand to this proposed development. The facilities to be constructed must meet with the approval of the Mount Joy Borough Authority Engineer and Solicitor and comply with the Authority’s rules, regulations and standard construction and material specifications for water system construction.

\* \_\_\_\_\_ \*

\* Signatures of the Chairman and Vice Chairman or their designees.

**Appendix No. 12 Planning Commission Final Plan Review Certificate**

At a meeting on \_\_\_\_\_, 20\_\_\_, the Mount Joy Borough Planning Commission reviewed this project, based upon its conformity with the standards of Chapter 240, Subdivision and Land Development.

\* \_\_\_\_\_ \*

\* Signature of the Chairman or his designees.

**Appendix No. 13 Borough Council Final Plan Approval Certificate**

At a meeting on \_\_\_\_\_, 20\_\_\_, the Mount Joy Borough Council approved this project, including the complete set of plans and information which are filed with the Council, based upon its conformity with the standards of Chapter 240, Subdivision and Land Development.

\* \_\_\_\_\_ \*

\* Signatures of the Council President and Borough Council or their designees.

**Appendix No. 14      Certificate of Ownership, Acknowledgement of Plan  
and Offer of Dedication**

**Individual**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF LANCASTER

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer personally appeared \_\_\_\_\_ who, being duly sworn or affirmed according to law, deposes and says that he is the \* \_\_\_\_\_ of the property shown on the plan, that the plan thereof was made at his direction, that he acknowledges the same to be his act and plan, that he desires the same to be recorded and that all streets and other property identified as proposed public property (expecting those areas labeled NOT FOR DEDICATION) are hereby dedicated to the public use.

\*\* \_\_\_\_\_

\*\*\* \_\_\_\_\_

My Commission Expires \_\_\_\_\_

\*Identify ownership or equitable ownership.

\*\*Signature of the individual.

\*\*\*Signature and Seal of notary public or other officer authorized to acknowledge deeds.

**Copartnership**

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF LANCASTER

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer personally appeared \_\_\_\_\_ being one of the partnership of \_\_\_\_\_ who, being duly sworn or affirmed according to law, deposes and says that the copartnership is the \* \_\_\_\_\_ of the property shown on the plan, that the plan thereof was made at its direction, that it acknowledges the same to be its act and plan and desires the same to be recorded and that all streets and other property identified as proposed public property (expecting those areas labeled NOT FOR DEDICATION) are hereby dedicated to the public use.

\*\* \_\_\_\_\_

\*\*\* \_\_\_\_\_

My Commission Expires \_\_\_\_\_

\*Identify ownership or equitable ownership.

\*\*Signature of the individual.

\*\*\*Signature and Seal of notary public or other officer authorized to acknowledge deeds.

Corporate

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF LANCASTER

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer personally appeared \_\_\_\_\_ being \* \_\_\_\_\_ of \*\* \_\_\_\_\_ who, being duly sworn or affirmed according to law, deposes and says that the corporation is the \*\*\* \_\_\_\_\_ of the property shown on the plan, that he is authorized to execute said on behalf of the corporation, that the corporation desires the same to be recorded and on behalf of the corporation further acknowledges that all streets and other property identified as proposed public property (expecting those areas labeled NOT FOR DEDICATION) are hereby dedicated to the public use.

# \_\_\_\_\_

## \_\_\_\_\_

### \_\_\_\_\_

My Commission Expires \_\_\_\_\_

\*Individual's title.

\*\*Name of corporation.

\*\*\*Identify ownership or equitable ownership.

#Signature of the individual.

##Corporate seal.

###Signature and seal of notary public or other officer authorized to acknowledge deeds.

**Appendix No. 15      Lancaster County Planning Commission's Review Certificate**

The Lancaster County Planning Commission, as required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, reviewed this plan on \_\_\_\_\_, 20\_\_\_\_, and a copy of the review is on file at the office of the Lancaster County Planning Commission in LCPC File No. \_\_\_\_\_. This certificate does not indicate approval or disapproval of the plan by the Lancaster County Planning Commission, and the Commission does not represent or guarantee that this plan complies with the various ordinances, rules, regulations or laws of the local municipality, the commonwealth or the federal government.

\* \_\_\_\_\_ \*

\* Signatures of the Chairman and Vice Chairman or their designees.

**Appendix No. 16      Notice of Acceptance of an Improvement Guaranty**

Date: \_\_\_\_\_

Mount Joy Borough Council  
21 East Main Street  
Mount Joy, PA 17552

SUBJECT:      Acceptance of Improvement Guaranty

Dear Councilors:

The developer of the project known as \_\_\_\_\_ has provided an improvement guaranty in the form of a \_\_\_\_\_ to assure the proper installation of the following improvements.

- |       |                |       |                        |
|-------|----------------|-------|------------------------|
| _____ | Street grading | _____ | Sidewalks              |
| _____ | Street base    | _____ | Storm sewer facilities |
| _____ | Street paving  | _____ | Survey monuments       |
| _____ | Street signs   | _____ | Buffer planting        |
| _____ | Curbs          | _____ | Other (Specify)        |

This form of improvement guaranty was accepted by formal action of the Mount Joy Borough Council at a meeting on \_\_\_\_\_, 20\_\_\_\_.

---

(Vice) President  
Borough Council  
Mount Joy Borough



**Appendix No. 17      Notice of Acceptance of an Improvement Guaranty –  
Water & Sewer**

Date: \_\_\_\_\_

Mount Joy Borough Authority  
21 East Main Street  
Mount Joy, PA 17552

SUBJECT:      Acceptance of Improvement Guaranty

Dear Members:

The developer of the project known as \_\_\_\_\_ has provided an improvement guaranty in the form of a \_\_\_\_\_ to assure the proper installation of the following improvements.

- \_\_\_\_\_      Sanitary sewer facilities
- \_\_\_\_\_      Water supply facilities
- \_\_\_\_\_      Fire hydrants

This form of improvement guaranty was accepted by formal action of the Mount Joy Borough Authority at a meeting on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Vice) Chairman  
Mount Joy Borough Authority

Section 2. Effective Date. This Ordinance shall become from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED THIS 9<sup>TH</sup> day of September, 2013, by the Council of the Borough of Mount Joy, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF MOUNT JOY  
Lancaster County, Pennsylvania

Attest: [Signature]  
(Assistant) Secretary

By: [Signature]  
(Vice) President,  
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this 9<sup>TH</sup> day of September, 2013.

By: [Signature]  
Mayor

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Borough of Mount Joy, Lancaster County, Pennsylvania ("Borough") certify that: The foregoing is a true and correct copy of an Ordinance of Borough Council of the Borough which duly was enacted by affirmative vote of a majority of the members of Borough Council of the Borough of Mount Joy at a meeting duly held on the 9<sup>TH</sup> day of September, 2013; and was examined and approved by the Mayor; such Ordinance has been duly recorded in the Ordinance Book of the Borough; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that Borough Council of the Borough of Mount Joy met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Borough of Mount Joy or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough of Mount Joy, this 9<sup>TH</sup> day of September, 2013.

  
\_\_\_\_\_  
(Assistant) Secretary

[BOROUGH SEAL]

