

Ordinance No. _____

AN ORDINANCE OF THE BOROUGH OF MILLERSVILLE, LANCASTER COUNTY, PENNSYLVANIA TO ENACT A NEW SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

Under the authority and procedures of the Pennsylvania Municipalities Planning Code, the following ordinance is hereby enacted by the Borough Council of the Borough of Millersville, Lancaster County, Pennsylvania to serve as the new Subdivision and Land Development Ordinance for Millersville, which shall serve as Chapter 325 of the Codified Ordinances of the Borough of Millersville:

Chapter 325 Subdivision and Land Development

§ 325-1.01 GENERAL REFERENCES

- Historic Commission — See Ch. **49**.
- Planning Commission — See Ch. **80**.
- Code enforcement — See Ch. **150**.
- Rental property — See Ch. **290**.
- Sewers — See Ch. **305**.
- Stormwater management — See Ch. **315**.
- Streets and sidewalks — See Ch. **320**.
- Trailers and trailer parks — See Ch. **341**.
- Zoning — See Ch. **380**.
- Fees — See Ch. **A395**.

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§ 325-1.02 ATTACHMENTS

The following existing documents (except Appendix K) from Chapter 325 are continued in effect as part of this new Ordinance, but are not direct links from this document.

[Attachment 1 - Appendix A - Filing Fee Schedule](#)

[Attachment 2 - Appendix B - Procedural Summary](#)

[Attachment 3 - Appendix C - List of Consulting and Approving Agencies](#)

[Attachment 4 - Appendix D - Preliminary Application for Approval of a Subdivision or Land Development Plan](#)

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[Attachment 6 - Appendix F - Recommended Certificates and Acknowledgements to Appear on the Final Plan, as Applicable](#)

[Attachment 7 - Appendix G - Recommended Notes to be Used as Applicable](#)

[Attachment 8 - Appendix H - Recommended Statements Which Will be Separate Instruments Referenced to the Final Plan](#)

[Attachment 9 - Appendix I - Improvements Agreement](#)

[Attachment 10 - Appendix J - Acceptance](#)

[Attachment 11 - Appendix K - Street Construction Details – The existing detail has been replaced with a new detail within the Borough’s “Technical Specifications and Standards Details”](#)

[Attachment 12 - Appendix L - Curb and Street Standards](#)

[Attachment 13 - Appendix M - Sidewalk and Curb Layout at a Curb Intersection](#)

[Attachment 14 - Appendix N - Precast Reinforced Concrete Manhole](#)

[Attachment 15 - Appendix O - Rainfall Intensity Duration Frequency](#)

[Attachment 16 - Appendix P - Gutter Flow Capacity](#)

[Attachment 17 - Appendix Q - Street Inlet Location Plan](#)

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[Attachment 19 - Appendix S - Extender's Agreement for Extension of Water Mains in Millersville Borough](#)

ARTICLE I. ARTICLE I - SHORT TITLE, PURPOSE, AUTHORITY AND JURISDICTION

§ 325-1.01 SHORT TITLE.

This chapter shall be known and may be cited as the "Millersville Borough Subdivision and Land Development Ordinance" of 202__.

§ 325-1.02 PURPOSES.

This chapter is adopted for the following purposes:

- A. To assist in the orderly, efficient and integrated development of land in accordance with the Comprehensive Plan.
- B. To facilitate the rational movement of traffic.
- C. To ensure coordination and conformance of subdivision and land development plans with the public improvement plans of the Borough.
- D. To provide for the proper extension of community services and facilities at minimum cost and maximum convenience.
- E. To ensure equitable handling of all subdivision and land development plans by providing uniform standards and procedures.
- F. To promote the general health, safety and welfare of the residents of the Borough.
- G. *To serve such other purposes as authorized by the Municipalities Planning Code (MPC).*

§ 325-1.03 AUTHORITY.

This Ordinance is enacted and enforced under the authority provided to the Borough by the Municipalities Planning Code, including 53 P.S. § 10501 et al.

§ 325-1.04 JURISDICTION.

The Borough Council shall have jurisdiction to control subdivisions and land developments within the Borough limits. In order that the actions by the Borough Council under this chapter may be correlated with all relevant data and procedures, the Borough Council hereby designates the Borough Planning Commission as the reviewing agency of the Borough Council:

- A. To which all applications relating to either preliminary or final approval of subdivision and land development plans shall be initially submitted.
- B. With which applicants shall hold all preliminary consultations relating to the plans.
- C. Which shall make recommendations to the Borough Council concerning approval, disapproval, modification and conditions of approval of such plans.
- D. Which shall make recommendations to the Borough Council concerning the interpretation of and the granting of modifications to provisions and standards of this chapter.

§ 325-1.05 APPROVAL OF SUBDIVISION AND LAND DEVELOPMENT.

All proposed subdivision and land development must be approved by the Borough Council.

ARTICLE II. ARTICLE II - DEFINITIONS.

§ 325-2.01 DEFINITIONS.

Unless otherwise expressly stated, the terms as set forth in this article shall, for the purpose of the chapter, have the meanings indicated. Words in the singular include the plural, and words in the plural include the singular. The word "person" includes a corporation, unincorporated association, all forms of business entities, non-profit organizations, and a partnership as well as an individual. The word "building" shall be construed as if followed by the words "or part thereof." The word "watercourse" includes "drain," "ditch" and "stream." The words "shall" and "will" are mandatory; the word "may" is permissive. *If a term is not defined by this Ordinance, but is defined in the Zoning Ordinance, Streets and Sidewalks Ordinance, or Stormwater Ordinance, the definition in that other Ordinance shall apply to this Ordinance. If a term is not defined in any of those Ordinances, then the term shall have its plain and ordinary meaning, within the context of the provision. A standard reference dictionary may be consulted in such case.*

AGENT

Any person, other than the developer, who, acting for the developer, submits to the Borough Council subdivision or land development plans for the purpose of obtaining approval thereof.

APPLICANT

A landowner or developer, as hereinafter defined, who has filed an application for development, including his/her/their heirs, successors and assigns.

BLOCK

An area bounded by three or more streets.

BOROUGH ENGINEER

A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Borough.

BUILDING SETBACK LINE

A line parallel to and the distance from a public or private street as specified in Chapter 380, Zoning, which determines the location of a future building or structure.

CARTWAY

The surface of a street or alley available for vehicular traffic.

CLEAR SIGHT TRIANGLE.

An area of unobstructed vision at Street intersections defined by lines of sight between points at a given distance from the intersection of the Street centerlines.

CROSSWALK

A right-of-way, municipally or privately owned, intended to furnish access for pedestrians.

DEP

The Pennsylvania Department of Environmental Protection.

DEVELOPER

Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development.

DOUBLE-FRONTAGE LOT

A lot with front and rear street frontage.

DRAINAGE FACILITY

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

EASEMENT

A right-of-way granted for limited use of the land for public or quasi-public purpose.

IMPROVEMENTS

Those physical additions and changes to the land that may be necessary to produce usable and desirable developments.

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.
 - (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. This Ordinance *does not regulate activities* listed in Section 503(1.1) of the Municipalities Planning Code, 53 P.S. § 10503(1.1) as a subdivision or land development. Those exceptions generally include: a) the conversion of single-family dwellings into three or fewer residential

units, b) the addition of accessory buildings, or c) the conversion of buildings within an amusement park. *Also, the addition of a sign or a communications tower or antenna shall not by itself be considered to be a land development.*

LAND DEVELOPMENT, MAJOR

~~*A Land Development that does not meet the definition of a “Minor Land Development.”*~~

LAND DEVELOPMENT, MINOR

~~*A Land Development that only involves one new commercial building or a commercial building addition, and that involves a maximum of 10,000 square feet of additional building floor area on an existing lot, and that does not include the construction of a new or extended public street.*~~

LANDOWNER

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

LOT

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

MUNICIPALITIES PLANNING CODE OR “MPC”

The Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq, as amended.

PENNDOT

The Pennsylvania Department of Transportation.

PLAN, FINAL

A complete and exact subdivision or land development plan, prepared for official recording as required by statute, to define property rights, proposed streets and other public improvements.

PLAN, PRELIMINARY

A tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layout of the area to be subdivided and/or developed as a basis for consideration prior to preparation of the final plan.

PLAN, SKETCH

A conceptual plan that shows the major features of proposed development, but which is not an official submittal for the purposes of time limits in the MPC.

REVERSE-FRONTAGE LOT

A lot extending between and having frontage on an arterial street and on a local street and with vehicular access solely from the latter.

STREET

A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other strip of land, including the entire right-of-way used or intended to be used by vehicular traffic or pedestrians, whether public or private.

ALLEY – A vehicle right-of-way having a maximum right-of-way width of 20 feet and that usually provides secondary access to the side or rear of one or more lots and which is not intended for through traffic.

ARTERIAL STREET- A street whose primary function is to serve comparatively high volumes of through traffic at speeds higher than desirable on collector and local streets.

COLLECTOR STREET - A street which, in addition to providing access to abutting properties, collects traffic from the local street system.

LOCAL STREET (LOCAL ACCESS ROAD) - A street used primarily to provide access to abutting properties.

CUL-DE-SAC STREET- A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

P STREET - Any local street which does not intersect with a through street at two separate and distinct locations. A P-street includes a street which intersects with a through street, extends and then loops back upon itself in roughly the shape of a P or a street which intersects with one or more other streets, all of which are either cul-de-sac streets or streets which merge through various intersections to all be served by a single connection with a through street.

THROUGH STREET - A street which has at least two intersections with one or more streets which are not cul-de-sac streets or P-streets. A street which intersects with streets which, individually or through intersections with other such streets to create a traffic system, share a single point of access serving all the interconnected streets is not a through street.

A graphic representation of through streets, cul-de-sac streets and P-streets is as follows:

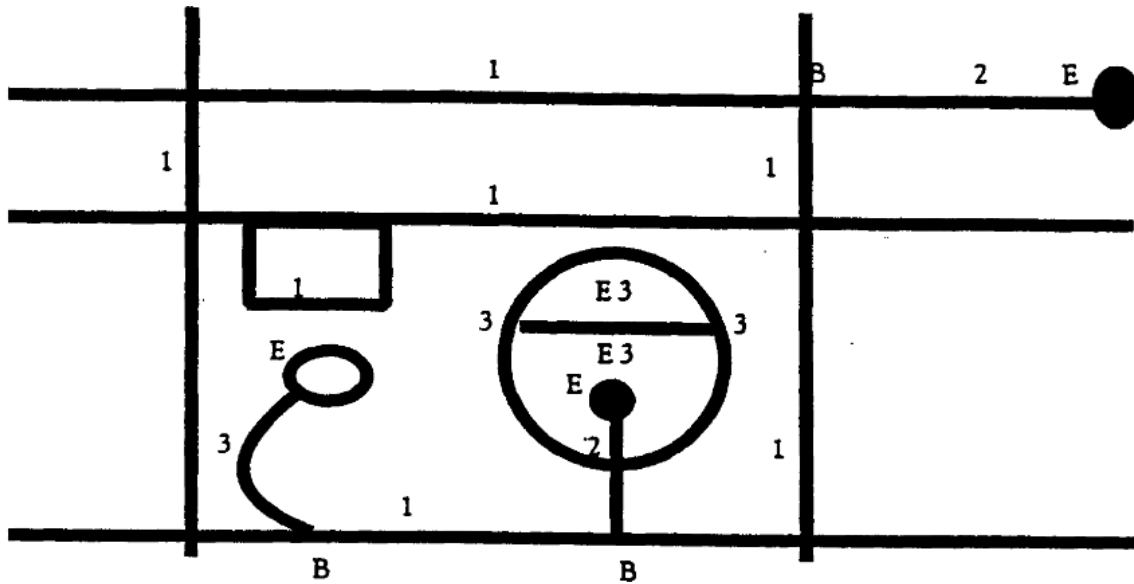
1 = Through street.

2 = Cul-de-sac street.

3 = P-street.

B = Beginning point to measure the length of a cul-de-sac or P-street.

E = Ending point to measure the length of a cul-de-sac or P-street.



STREET, PRIVATE

Those streets not offered for dedication.

SUBDIVISION

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

SUBDIVISION, MAJOR

A subdivision that does not meet the definition of a "Minor Subdivision."

SUBDIVISION, MINOR

A subdivision that results in a total of four (4) or fewer residential lots. However, if the subdivision requires the construction or extension of a public or private street, then it shall be regulated as a Major Subdivision, regardless of the number of lots.

ARTICLE III. ARTICLE III PROCEDURES

§ 325-3.01 SKETCH PLAN.

- A. Developers are urged to discuss possible development sites with the Millersville *Borough Staff and Planning Commission* prior to submission of the preliminary plans.
- B. A conceptual sketch plan is encouraged to be submitted for an informal review by the Borough Staff and Planning Commission prior to submission of engineered plans. A sketch plan review will often save an applicant time and money by allowing discussion of major issues before the applicant spends substantial money on detailed engineering.
- C. *Comments made by Borough officials during the review of a sketch plan shall not be binding upon the Borough.* Submission of a sketch plan shall not constitute formal filing of a plan with the Borough.

§ 325-3.02 PRELIMINARY PLAN.

- A. Projects that require a preliminary plan. A preliminary plan application is provided as a procedure for securing approval of the entire design and implementing the development in separate phases. For projects that are not phased, the preliminary plan application is optional.

OR

B. Preliminary Plans Required.

- (1) All phased projects require a preliminary plan regardless of size. A preliminary plan is required for all other subdivision and land development projects except projects that meet the following criteria:
 - (a) A Land Development that only involves one new commercial building or a commercial building addition ~~and that involve~~ with a maximum of 10,000 square feet of additional building floor area on an existing lot, ~~and that does not include the construction of a new or extended public street.~~
 - (b) A subdivision that results in a total of four (4) or fewer new residential lots. However, if the subdivision requires the construction or extension of a public or private street, then it shall be regulated as a Major Subdivision, regardless of the number of lots.

C. Submission procedure.

- (1) Preliminary plans may be filed with the Borough on any business day. If plans and necessary supporting data are filed less than 15 calendar days in advance of a regular scheduled Planning Commission meeting, plans will not be reviewed by the Commission until its next regular meeting.
- (2) The developer shall submit the number of copies of the preliminary plan and other required materials that are listed on the application form, which is kept on file at the Borough Office.
 - (a) All submittals including plans and reports shall be provided in an electronic format acceptable to the Borough.
- (3) Zoning approval. If the preliminary plan has been the subject of a zoning approval process (variance, special exception, and/or conditional use), this zoning approval process must have been decided by the Borough Council and/or the Zoning Hearing Board, as applicable, prior to submission of the preliminary plan.

- (a) A copy of all prior, relevant zoning decisions must be submitted with the preliminary plan.
 - (b) The plan shall be designed and developed in accordance with any conditions that have been imposed upon the grant of such special exception, conditional use or variance by the Borough Council and/or Zoning Hearing Board, as applicable.
- (4) Application form. One application form completely and correctly executed, with all information legible, and bearing all required signatures.
 - (5) Filing fee. A filing fee in accordance with Millersville Borough's current fee schedule.
 - (6) Application completeness review. All required plans and documents and the required filing fee shall accompany a preliminary plan application. Borough Staff shall have seven days from the date of submission of an application to check the plans and documents to determine if, they are in proper form and contain all the information required by this chapter. Within these seven days, the Borough may reject an application as incomplete, in such case the required time for Borough action on a plan does not start and will not start until a complete application is received.
 - (7) Submission to the Lancaster County Planning Commission (LCPC). Upon receiving notice from the Borough that the preliminary plan submission is complete, or the passage of the above-referenced seven days, or upon the Borough's execution of necessary LCPC applications, it is the responsibility of the applicant to make a complete submission of plans, supplemental data, zoning approval, application form, and filing fee to the LCPC, in accordance with the requirements of the LCPC.
- D. Plan requirements. All preliminary plans shall be prepared in conformance with the provisions of § 325-4.03 and any other applicable requirements of law.
 - E. Distribution. The applicant shall distribute copies of the preliminary plan to each of the following individuals:
 - (1) Borough Engineer and Solicitor.
 - (2) Borough Sewer Department (when required by the Borough).
 - (3) Lancaster City Water Department (when required by the Borough).
 - (4) Fire company or protection district (when required by the Borough).
 - (5) Police Chief and Emergency Service Providers (when required by the Borough).
 - (6) Lancaster County Planning Commission.
 - F. *Borough Planning Commission Action. The Borough Planning Commission, at a public meeting, will discuss the preliminary plan to determine if it meets the standards set forth in this chapter. The preliminary plan, the Planning Commission's recommendations and the Borough Engineer's Review letter shall be forwarded to the Borough Council for consideration.*
 - G. Borough Council action, notification and applicants' acceptance. Borough Council shall render its decision in accordance with applicable MPC requirements. The Borough Council may approve the preliminary plan, in whole or in part, or may approve the preliminary plan subject to conditions, or may disapprove the preliminary plan.
 - (1) The decision shall be in writing and communicated to the applicant personally emailed or mailed to their last known address not later than 15 days following the decision, *unless the applicant has provided other arrangements for communications, such as through an authorized agent.*

- (2) When the application is not approved, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the ordinance relied upon.
- (3) Acceptance of Conditions. When an application is approved with conditions, the applicant is required to provide notice in writing whether they accept the conditions. Failure to provide a written acceptance of conditions within 30 days of notification shall result in the plan approval being void.

H. Borough Council approval and certification.

- (1) Any modification or waiver of requirements by the Borough Council shall be noted on all copies of the preliminary plan. One copy of the signed preliminary plan will be returned to the developer, and at least one copy will be retained by the *Borough Staff*. The preliminary plan may not be recorded in the office of the Lancaster County Recorder of Deeds.
- (2) Approval of the preliminary plan shall constitute approval of the development as to the kind of use and intensity and the arrangement and approximate dimensions of streets, lots and other planned features but shall not authorize the sale of lots, the lease of land, buildings or portions of buildings, or the development of land.

I. *Improvement construction from preliminary plan. In accordance with the option as set forth in Section 509 of the PA MPC authorizing an applicant to complete construction of the subdivision/land development improvements prior to approval and recording of a final plan and, hence, avoiding the requirements for the deposit with the Borough of financial security to cover the costs of such improvements, an applicant electing to do so shall meet the following requirements.*

- (1) At the time of submission of the sketch plan or preliminary plan, the applicant shall indicate to the Borough in writing his intent to construct the improvements based on the preliminary plan. As such, at its sole discretion, the Borough may determine that additional plan requirements be met that exceed the requirements of preliminary plans but do not exceed the requirements of final plans.
- (2) If the applicant decides to construct improvements before final plan approval, such work shall be conducted at the applicant's own risk, pending matters that are approved at the final plan level.
- (3) Plans must also receive approval when applicable from all authorities having jurisdiction including by way of example, but not limited to, highway occupancy permit, NPDES and erosion and sedimentation control approvals, and the like.
- (4) The applicant may, after receipt of acknowledgment from the Borough Council of the satisfactory completion of all conditions of preliminary plan approval, proceed to construct the improvements required by this chapter and shown on the approved preliminary plan.
- (5) The applicant shall complete and enter into the appropriate developer's agreement. The applicant shall indicate the timetable for the construction of the improvements including a schedule and plan of the proposed phasing of sections.
- (6) Construction and completion of the improvements shall not constitute permission to sell lots or occupy proposed buildings shown on the plan.

§ 325-3.03 FINAL PLAN.

A. Application for final plan

- (1) Within *five years* after the Borough Council has approved the preliminary plan, the developer shall submit a final plan for consideration by the Borough. Unless an extension of time has been granted by the Borough Council upon written request, a plan submitted after the five-year period shall be considered a new preliminary plan and shall be required to comply with § 325-3.02 and § 325-4.03 of this chapter.
- (2) The final plan shall *incorporate* modifications and revisions specified by the Borough Council in a conditional approval of the preliminary plan. If the Borough determines that the final plan is *substantially different in major aspects* from the preliminary plan, the Borough may require that a new preliminary plan must first be submitted for approval.
- (3) The final plan may be submitted in sections, each covering a portion of the entire subdivision or land development shown on the preliminary plan, if the relationship of the part to the whole is clearly shown.

B. Submission procedure.

- (1) Final plans may be filed with the Borough on any business day. If plans and necessary supporting data are filed less than 15 calendar days in advance of a regular scheduled Planning Commission meeting, plans will not be reviewed by the Commission until its next regular meeting.
- (2) The developer shall submit the number of copies of the final plan and other required materials that are listed on the application form which is kept on file at the Borough Office.
 - (a) All submittals including plans and reports shall be provided in an electronic format acceptable to the Borough.
- (3) Zoning approval. If the Final plan has been the subject of a zoning approval process (variance, special exception, and/or conditional use), this zoning approval process must have been decided by the Borough Council and/or the Zoning Hearing Board, as applicable, prior to submission of the preliminary plan. A copy of all prior, relevant zoning decisions must be submitted with the preliminary plan.
- (4) Application form. One application form completely and correctly executed, with all information legible, and bearing all required signatures.
- (5) Filing fee. A filing fee in accordance with Millersville Borough's current fee schedule.
- (6) *If the Borough Planning Commission or Borough Staff determines that the submission is substantially incomplete, the Borough Planning Commission or Borough Staff may determine that the submission has not been officially accepted by the Borough until the missing elements have been submitted. In such case, the time deadline for action under the Municipalities Planning Code shall not start until the Borough determines there is a complete submission.*
- (7) Application completeness review. All required plans and documents and the required filing fee shall accompany a final plan application. Borough Staff shall have seven days from the date of submission of an application to check the plans and documents to determine if, they are in proper form and contain all the information required by this chapter. Within these seven days, the Borough may reject an application as incomplete, in such case the required time for Borough action on a plan does not start and will not start until a complete application is received.
- (8) Submission to the Lancaster County Planning Commission (LCPC). Upon receiving notice from the Borough that the final plan submission is complete, or the passage of the

above-referenced seven days, or upon the Borough's execution of necessary LCPC applications, it is the responsibility of the applicant to make a complete submission of plans, supplemental data, zoning approval, application form, and filing fee to the LCPC, in accordance with the requirements of the LCPC.

- C. Plan requirements. All final plans shall be prepared in conformance with the provisions of § 325-4.04 and any other applicable requirements of law.
- D. Distribution. The applicant shall distribute copies of the final plan to each of the following individuals:
 - (1) Borough Engineer and Solicitor.
 - (2) Borough Sewer Department (when required by the Borough).
 - (3) Lancaster City Water Department (when required by the Borough).
 - (4) Fire company or protection district (when required by the Borough).
 - (5) Police Chief and Emergency Service Providers (when required by the Borough).
 - (6) Lancaster County Planning Commission.
- E. *Borough Planning Commission Action. The Borough Planning Commission, at a public meeting, will discuss the final plan to determine if it meets the standards set forth in this chapter. The final plan, the Planning Commission's recommendations and the Borough Engineer's Review letter shall be forwarded to the Borough Council for consideration.*
- F. Borough Council action, notification and applicants' acceptance. Borough Council shall render its decision in accordance with applicable MPC requirements. The Borough Council may approve the final plan, or may approve the final plan subject to conditions, or may disapprove the final plan.
 - (1) The decision shall be in writing and communicated to the applicant personally, emailed, or mailed to their last known address not later than 15 days following the decision, *unless the applicant has provided other arrangements for communications, such as through an authorized agent.*
 - (2) When the application is not approved, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the ordinance relied upon.
 - (3) Acceptance of Conditions. When an application is approved with conditions, the applicant is required to provide notice in writing whether they accept the conditions. Failure to provide a written acceptance of conditions within 30 days of notification shall result in the plan approval being void.
- G. Borough Council approval and certification.
 - (1) Any modification or waiver of requirements by the Borough Council shall be noted on all copies of the final plan.
 - (2) After the final plan has been approved by the Borough Council and the required changes, if any, are made, the applicant shall prepare and submit three copies of the approved version of the final plan. All copies of the final plan shall be in black ink and bear original signatures on each certificate. All copies of the final plan shall be in a form suitable for recording by the Lancaster County Recorder of Deeds.
 - (3) Upon payment of any outstanding plan review or inspection fees, the Borough Planning Commission and Council shall sign the final plan. The Borough may retain one paper copy of the plan.

- (4) Lancaster County Planning Commission signature required. After obtaining the required Borough signatures, the approved version of the final plan shall be presented by the applicant to the Lancaster County Planning Commission for signature.

H. Recording of final plan.

- (1) Within 90 days after the approval of a final plan by the Borough Council, the plan shall be filed for recording by the developer with the Lancaster County Recorder of Deeds. *If the plan was subject to conditions upon approval, then such 90 day period shall be counted from the date that the Borough notifies that applicant that all conditions of approval have been met.* If the plan is not be recorded within such period, the approval of the Borough Council shall become null and void. The final plan to be recorded shall be an exact copy of the approved final plan prepared in accordance with the provisions of **Article IV** of this chapter.
- (2) The final plan shall be filed with the Lancaster County Recorder of Deeds before proceeding with the conveyance of lots, condominiums, and/or leaseholds. Lots may be placed under agreement of sale prior to plan recording but not conveyed.
- (3) *Thumb drives or another approved device shall be provided with a copy in CAD or GIS format of the approved final plan, including parcel boundaries, street rights-of-way, water, sewer, utility, and building locations. Such copies shall be provided to Lancaster County and to Millersville Borough at the time of plan recording.*
- (4) Recording of the final plan after approval of the Borough Council shall have the effect of an irrevocable offer to dedicate to the public use all streets and other public ways shown thereon, unless reserved by the developer as hereinafter provided. The approval of the Borough Council shall not impose any duty upon the Borough concerning maintenance or improvement of any such dedicated streets or public uses until the Borough Council shall have accepted the same by ordinance or resolution.
- (5) *Notations on the recorded plan shall specify which streets, alleys, lands or other improvements are to be dedicated at the designated time to the Borough or an Authority. The Borough shall not assume responsibility for any improvement or maintenance thereof, except as is provided after dedication and after any maintenance guaranty period.*

~~§ 325-3.04 — § 325-12 RE-SUBDIVISION PROCEDURES.~~

~~For any re-platting or re-subdivision of land, the same procedure, rules and regulations shall apply as prescribed herein for an original subdivision, except that lot sizes may be varied on an approved plan after recording, provided that:~~

- ~~A. No lot or tract of land shall be created or sold that is smaller than the size shown on the approved plan.~~
- ~~B. Drainage easements or rights of way shall not be changed.~~
- ~~C. Street alignment and block sizes shall not be changed.~~
- ~~D. The property lines between the backs of the lots shall not be changed.~~
- ~~E. The rear portion of the lots shall not be subdivided from the front part.~~
- ~~F. The character of the area shall be maintained.~~

ARTICLE IV. ARTICLE IV- PLAN REQUIREMENTS

§ 325-4.01 GENERAL.

- A. All plans shall be prepared by an engineer, land surveyor and/or landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. Land surveyors shall prepare metes and bounds descriptions. Registered professionals with appropriate expertise shall prepare designs that entail their expertise.
- B. 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 VII and Article VIII.

§ 325-4.02 SKETCH PLAN.

The sketch plan shall show or be accompanied by the following data, legible in every detail and drawn to scale, but not necessarily containing precise dimensions:

- A. Name and address of the developer (if applicable) and landowner.
- B. Name of the individual and/or the firm that prepared the plan.
- C. Location map with sufficient information to enable the Borough Council to locate the property.
- D. North arrow.
- E. Written and graphic scales.
- F. Existing tract boundaries accurately labeled with the name(s) of adjacent landowner(s) and adjacent plan(s) of record.
- G. Name of the municipality in which the project is located, including the location of any municipal boundary line(s) if located within the vicinity of the tract.
- H. Significant topographical and man-made features (e.g., bodies of water, quarries, floodplains, tree masses, structures).
- I. Proposed street, parking, building, and lot layout.
- J. Proposed land use; if several land uses are proposed, the location of each land use shall be indicated.
- K. Statement explaining the methods of water supply and sewage disposal to be used.

§ 325-4.03 PRELIMINARY PLAN.

- A. Drafting Standards:
 - (1) The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, or 50 feet to the inch. Profile plans shall maintain a ratio of 1:10 or 1:5 vertical to horizontal. The drainage area maps and deed plots can be submitted at any scale, provided the maps are legible.
 - (2) The sheet size shall be no smaller than 18 inches by 22 inches and no larger than 24 inches by 36 inches.
 - (3) If the Plan is prepared in two (2) or more drawing sheets, a key map showing the location of the sheets and a match line shall be placed on each sheet.
 - (4) If more than one sheet is necessary, a sheet index shall be included on the first sheet. 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).

- (5) Plans shall be presented in a clear, legible, coherent, and organized manner.
- (6) If, in the opinion of the Borough, any plan sheets are not clear, legible, coherent, and organized, the information may need to be provided on additional plan sheets.

B. Location and identification:

- (1) Proposed project name or identifying title.
- (2) The municipality or municipalities in which the subdivision or land development is located. If the tract of land is located in the vicinity of a municipal boundary line, the location of the boundary shall be shown.
- (3) The name and address of the owner of the tract (or owner's authorized agent), the developer/subdivider, and the firm that prepared the plans.
- (4) The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
- (5) A north arrow, a graphic scale, and a written scale.
- (6) Tract boundaries showing distances and bearings. The descriptions shall be based upon a survey and not have an error of closure greater than one foot in 10,000 feet.
 - (a) If a landowner is going to retain a single lot with a lot area in excess of 10 acres, the boundary of that lot may be identified as a deed plotting and may be drawn at any legible scale; if the retained lot has a lot area of 10 or fewer acres, its existing perimeter must be described to the accuracy requirements of this chapter.
- (7) Total acreage of the tract and number of lots or dwelling units.
- (8) The district and lot size and/or density requirements of the Borough Zoning Ordinance.
- (9) If the subject tract 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 location of existing lot line markers along the perimeter of the entire existing tract.
- (11) A location map, for the purpose of locating the site to be subdivided or developed, at a minimum scale of 2,000 feet to the inch, showing the relation of the tract to adjoining property and to all streets, roads and municipal boundaries existing within 1,000 feet of any part of the property proposed to be subdivided or developed.
- (12) Source of title, including record book and page number, plan book and page number (if applicable) and the (tax) parcel identification number(s) for the subject tract.
- (13) Existing and proposed land use.
- (14) Zoning requirements, district and lot size.

C. Existing features:

- (1) The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for adjacent projects.
- (2) The location and elevation of the benchmark and a notation indicating the datum used.
- (3) *Plan Coordinates. All coordinates as depicted on the plan shall be based on the following:*
 - (a) *Horizontal datum shall be referenced to the PA South Zone State Plane Coordinate System (NAD83).*
 - (b) *Vertical datum shall be referenced to NAVD 88.*
- (4) Existing contours at a minimum vertical interval of two feet. Contours plotted from the United States Geodetic Survey will not be accepted. Lancaster County Geographic

Information System (GIS) topography will not be accepted in areas where improvements are proposed. GIS topography may be used beginning 200 feet outside the limit of disturbance boundary.

- (a) If GIS data is utilized for any portion of the subject tract's topographic mapping, the limit of same shall be clearly delineated and a note shall be added to the plan indicating that the future planning of these portions of the subject tract shall not rely on the accuracy of the GIS data.
- (5) The following items when located within the boundary and within 200 feet of any part of the property proposed to be developed:
 - (a) The location, dimensions and related rights-of-way and easements for any streets, cartways, access drives, driveways or service streets and railroads.
 - (b) The location, dimensions and related rights-of-way and easements for any buildings, public utilities, private utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and stormwater management facilities.
 - (c) The location of existing rights-of-way for electric, gas, and oil transmission lines.
 - (d) The location, dimensions and related rights-of-way and easements for any floodplains, wetlands, watercourses, quarry sites, woodlands, significant trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, historic features, cemetery or burial sites, archaeological sites, and areas with highly erosive soils.
 - (e) The location, dimensions and related rights-of-way and easements for any other significant features.

D. Plan information:

- (1) The location, configuration and related rights-of-way and easements for existing and proposed buildings, parking compounds, streets, alleys, driveways, sidewalks, trails, landscaping, parks, playgrounds and other public areas, and all other significant facilities. This information shall be of the quality required for the construction of all facilities.
- (2) Identification of buildings and other significant features proposed to be removed.
- (3) The location and configuration for proposed lot lines and approximate dimensions of lots; lot numbers and/or block numbers in consecutive order.
- (4) Lot lines, with accurate bearings and distances labeled in a clockwise direction, and lot areas for all lots. Curve segments shall be comprised of arc, chord, bearing and distance.
- (5) The total number of lots, units of occupancy, density, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
- (6) *The location and configuration for areas designed for appurtenant facilities or public use or proposed to be dedicated or reserved for future public use together with the conditions of such dedication or reservation.*
- (7) Identification of any lands to be dedicated or reserved for public, semi-public or community use together with the conditions of such dedication or reservation.
- (8) For developments proposing common open space and/or recreation land, a plan showing the layout of the common open space and/or recreation land, including approximate dimensions, along with plans for any proposed improvements and conditions of such dedication or reservation.

- (9) Setback lines not less than the minimum as fixed by Chapter 380, Zoning, or any other setback lines established by this chapter, or by public authority. Setbacks established by private deed restrictions shall also be shown, but they are typically not enforceable by the Borough.
- (10) The zoning district, lot size and/or density requirements of the applicable zoning regulations; this information should also include the requirements of any overlay zoning districts or environmental protection ordinances of the Borough that apply to the subject tract.
- (11) Existing and proposed on-site and off-site easements and rights-of-way shown on a separate plan with approximate dimensions. In the case of required off-site easements and/or rights-of-way, the applicant shall provide evidence to the Borough that such off-site easements and/or rights-of-way have been secured or that an agreement in principle regarding the easements/rights-of-way has been secured.
- (12) Clear sight triangles at all street intersections.
- (13) The layout of streets, including cartway and right-of-way widths, and the type and location of traffic control signs.
- (14) A complete description of the centerline and the right-of-way line for all new streets, including the name of each street. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord. Curve segments included in lot descriptions shall be comprised of arc, chord, bearing and distance. At street intersections, tangent distance shall be included.
- (15) A typical street cross section for each proposed 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.
- (16) Cross sections every 50 feet for any existing street that will be improved as part of the application. Each cross section shall include the entire right-of-way width.
- (17) Street centerline profiles for all proposed streets, alleys, non-minimum use driveways and existing streets that will be improved.
- (18) The preliminary vertical and horizontal alignment for each proposed street, alley, non-minimum use driveway and existing street that will be improved. All profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, and the length of all proposed vertical curves.
- (19) In the case of a plan which requires access to a highway under the jurisdiction of PennDOT (Pennsylvania Department of Transportation), the inclusion of the following plan note:
 - (a) 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 driveway access to a state highway is permitted. Access to the state highway shall only be as authorized by a highway occupancy permit, and the Board of Supervisors' approval of this plan in no way implies that such permit can be acquired.
- (20) The location, configuration and related rights-of-way and easements for existing and proposed public and private utilities along with any limitations on such easements.
- (21) A note on the plan indicating the types of sewer or water facilities to be provided.
- (22) The ~~best known~~ locations, size and material of sanitary sewer lines, with locations of existing and proposed laterals.

- (23) The ~~best known~~ locations, size and material of water supply lines, and any water supply wells including existing and proposed laterals.
- (24) Preliminary design of the existing and proposed sanitary sewer and water supply system, including inverts, size and horizontal and vertical alignment shown on a plan and profile sheet. Profiles shall include existing utility crossings and connections. This information shall be of the quality required for the construction of all facilities.
- (25) Stormwater management plans and data designed in accordance with the Borough Stormwater Management Ordinance
- (26) All stormwater management facilities with the size and material of each indicated, and any proposed connections with existing facilities.
- (27) A preliminary grading plan, which shall include land contours and grades, directions of water movement, type of soils, spot elevations, and floor elevations.
- (28) Any changes that may be proposed in the provisions of the zoning applicable to the area to be subdivided or developed and suggested locations of buildings in connection therewith.
- (29) Identification of any modifications requested, granted or denied by the Borough Council, including the dates of the action taken.
- (30) A list of all prior actions taken by the Borough with regard to the subject tract including but not limited to such actions taken by the Planning, and Zoning personnel, Zoning Hearing Board, and Borough Council.
- (31) The location and material of existing and proposed lot line markers.

E. Phased installation of improvements:

- (1) A schedule shall be filed delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed.
- (2) Sections of the development shall be sequenced in such a manner that each section [together with the previously approved and completed section(s)] shall be physically built to be in full compliance with the ordinance and not be dependent on the construction completed at future phases. This includes, but is not limited to, stormwater management facilities, streets and utilities. All major access roads to the proposed development are to be completed in a usable form as part of the first phase.
- (3) Except for staged construction of streets intended to be extended in subsequent phases, all improvements for each section shall be installed in their permanent configuration to the extent where they provide their intended services. The final wearing course shall be carried in an improvement guarantee until it is finally installed and inspected.
- (4) It is not necessary for construction in one section to be completed for the next section to be submitted for plan processing.
- (5) In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the applicant with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on, or before, the anniversary of the preliminary plan approval until final plan approval of the final section has been granted. Any modification to the aforesaid schedule shall be subject to approval of the Borough Council in its discretion.
- (6) All subsequent phased final plans shall be submitted within five years of the date of Borough Council action on the preliminary plan unless otherwise agreed upon by the applicant and Borough. The applicant shall take the responsibility to provide the Council with reasonable notice of delays in the filing of final plans.

F. The following certificates shall be shown on the plan (note Appendix for suggested forms):

- (1) Certificate for approval by the Borough Council.
- (2) Certifications, with seal, by a registered land surveyor to the effect that the survey and proposed lot lines are correct.
- (3) Certificate, signature and seal of the surveyor, engineer or landscape architect that prepared the plan that all other information shown on the plan is accurate.
- (4) Certificate, signature and seal of the engineer or landscape architect that prepared the Stormwater management plan.

G. The preliminary plan shall be accompanied by the following material:

- (1) The report of a sewage feasibility study.
- (2) *Confirmation from the postmaster and the Police Department stating that the proposed street names are acceptable. Duplicate or closely similar street names shall not be used within the same fire services area or zip code.*
- (3) A sketch plan of the remaining lands of the developer, including the prospective future street system, shall be required. The street system of the preliminary plan will be considered in the light of adjustments and connections with the future streets as shown in the sketch plan of the remaining lands.
- (4) When connection to public water and/or sewer facilities is proposed, assurance of the availability of such service must be presented to the Commission. This assurance shall be in the form of a letter signed by a responsible officer of the company or authority concerned, indicating its ability and willingness to make such service available.
- (5) A draft of any proposed covenants to run with the land.
- (6) Where the land included in the proposed development has a gas pipeline, petroleum products transmission line, power line or any other cable or pipeline located thereon, the application shall be accompanied by a letter from the owner of such facility stating utility easements and minimum setback requirements, if any.
- (7) Transportation impact study (See § 325-8.01).

§ 325-4.04 FINAL PLAN.

- A. Drafting Standards: The same standards shall be required for a final plan as specified for a preliminary plan in § 325-4.03A of this chapter.
- B. Location and identification. The same standards shall be required for a final plan as specified for a preliminary plan in § 325-4.03B of this chapter.
- C. Existing features. The same information shall be required for a final plan as specified for a preliminary plan in § 325-4.03C of this ordinance.
- D. Plan information:
 - (1) The location, configuration and related rights-of-way and easements for existing and proposed buildings, parking compounds, streets, alleys, driveways, sidewalks, trails, landscaping, parks, playgrounds and other public areas, and all other significant facilities. This information shall be of the quality required for the construction of all facilities.
 - (2) Identification of buildings and other significant features proposed to be removed.
 - (3) The location and configuration for proposed lot lines and dimensions of lots; lot numbers and/or block numbers in consecutive order.
 - (4) Lot lines, with accurate bearings and distances labeled in a clockwise direction, and lot areas for all lots. Curve segments shall be comprised of arc, chord, bearing and distance.
 - (5) Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set or indicating when they will be set.
 - (6) The total number of lots, units of occupancy, density, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
 - (7) *The location and configuration for areas designed for appurtenant facilities or public use or proposed to be dedicated or reserved for future public use together with the conditions of such dedication or reservation.*
 - (8) Identification of any lands to be dedicated or reserved for public, semi-public or community use together with the conditions of such dedication or reservation.
 - (9) For developments proposing common open space and/or recreation land, a plan showing the layout of the common open space and/or recreation land, including dimensions, along with plans for any proposed improvements and conditions of such dedication or reservation.
 - (10) Setback lines not less than the minimum as fixed by Chapter 380, Zoning, or any other setback lines established by this chapter, or by public authority. Setbacks established by private deed restrictions shall also be shown, but they are typically not enforceable by the Borough.
 - (11) The zoning district and lot size and/or density requirements of the applicable zoning regulations; this information should also include the requirements of any overlay zoning districts or environmental protection ordinances of the Borough that apply to the subject tract.
 - (12) Existing and proposed on-site and off-site easements and rights-of-way shown on a separate plan with dimensions. In the case of required off-site easements and/or rights-of-way, the applicant shall provide evidence to the Borough that such off-site easements and/or rights-of-way have been secured or that an agreement in principle regarding the easements/rights-of-way has been secured.
 - (13) Clear sight triangles at all street intersections.

- (14) The layout of streets, including cartway and right-of-way widths, and the type and location of traffic control signs.
- (15) A complete description of the centerline and the right-of-way line for all new streets, including the name of each street. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord. Curve segments included in lot descriptions shall be comprised of arc, chord, bearing and distance. At street intersections, tangent distance shall be included.
- (16) A typical street cross section for each proposed street and a 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.
- (17) Cross sections every 50 feet for any existing street that will be improved as part of the application. Each cross section shall include the entire right-of-way width.
- (18) Street centerline profiles for all proposed streets, alleys, non-minimum use driveways and existing streets that will be improved.
- (19) The final vertical and horizontal alignment for each proposed street, alley, non-minimum use driveway and any existing street that will be improved. All profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, and proposed vertical curves.
- (20) In the case of a plan which requires access to a highway under the jurisdiction of PennDOT (Pennsylvania Department of Transportation), the inclusion of the following plan note:
 - (a) 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 driveway access to a state highway is permitted. Access to the state highway shall only be as authorized by a highway occupancy permit, and the Board of Supervisors' approval of this plan in no way implies that such permit can be acquired.
- (21) The location, configuration and related rights-of-way and easements for existing and proposed public and private utilities along with any limitations on such easements.
- (22) A note on the plan indicating the types of sewer or water facilities to be provided.
- (23) *The locations, size and material of sanitary sewer lines, with locations of existing and proposed laterals.*
- (24) The locations, size and material of water supply lines, and any water supply wells including existing and proposed laterals.
- (25) Final design of the existing and proposed sanitary sewer and water supply system, including inverts, size and horizontal and vertical alignment shown on a plan and profile sheet. Profiles shall include existing utility crossings and connections. This information shall be of the quality required for the construction of all facilities.
- (26) Stormwater management plans and data designed in accordance with the Borough Stormwater Management Ordinance
- (27) All stormwater management facilities with the size and material of each indicated, and any proposed connections with existing facilities.
- (28) A grading plan, which shall include finished land contours and grades, directions of water movement, type of soils, spot elevations, and floor elevations. This information shall be of the quality required for the construction of all facilities.

- (29) Any changes that may be proposed in the provisions of the zoning applicable to the area to be subdivided or developed and suggested locations of buildings in connection therewith.
- (30) Identification of any modifications requested, granted or denied by the Borough Council, including the dates of the action taken.
- (31) A list of all prior actions taken by the Borough with regard to the subject tract including, but not limited to such actions taken by the Planning, and Zoning personnel, Zoning Hearing Board, and Borough Council.
- (32) The location and material of existing and proposed lot line markers.
- (33) A note indicating that all plan sheets are to be recorded.

E. The following certificates shall be shown on the plan (note Appendix for suggested forms).

- (1) Certifications, with seal, by a registered land surveyor to the effect that the survey and proposed lot lines are correct.
- (2) Certification, signature and seal of the surveyor, engineer or landscape architect that prepared the plan that all other information shown on the plan is accurate.
- (3) A notarized statement signed by the landowner of the property authorizing the submittal and future recording of the final plan.
- (4) Certificate of dedication of streets and other public property.
- (5) Certificate for approval by the Borough Council.
- (6) Certificate of review to be signed by the Lancaster County Planning Department.
- (7) Note to be placed on the plan indicating any area that is not to be offered for dedication.
- (8) Note indicating that the Borough is not responsible for construction or maintenance of any area not dedicated for public use.

F. The final plan shall be accompanied by the following materials:

- (1) Restrictions of all types which will run with the land and become covenants in the deeds of lots shown on the drawing, subject to the approval of the Borough Solicitor.
- (2) All covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space, subject to the approval of the Borough Solicitor.
- (3) Where lot sizes or number of dwelling units are based on public water and/or public sewer facilities, assurance acceptable to the Borough Council that such facilities will be installed (note Appendix for recommended forms).
- (4) Where the land included in the subject application has an electric transmission line, a gas pipeline, a telecommunication line, or a petroleum or petroleum product transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- (5) Where an agricultural, woodland, or other natural resource easement is located within the subject tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- (6) A landscaping plan showing the location, size and kind of planting material to be installed on the site. If a subdivision is only proposed to include three or fewer single family detached houses, or if the project does not involve any new buildings or new parking

areas, then the only landscaping that is required to be shown are any required or existing street trees and any areas of woodlands that would remain or be removed.

- (7) *A plan for location, intensity and type of streetlights to be installed that meets the requirements of the utility provider. For a new principal commercial, industrial or institutional building or a new parking lot of 6 or more parking spaces, the applicant is required to submit information showing the intensity and uniformity of lighting. The locations and heights of light poles shall be shown.*
- (8) Such certificates of approval by proper authorities as required by the Borough Council, including certificates approving the water supply system and sanitary sewer system on the subdivision or land development.
- (9) Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Borough Council shall require the subdivider to submit a letter to the Borough stating such fact. There shall also be a note placed on the plan to the effect that the street is not offered for dedication to the public use.
- (10) *Confirmation from the postmaster and the Police Department stating that the proposed street names are acceptable. Duplicate or closely similar street names shall not be used within the same fire services area or zip code.*
- (11) **Notice from the Lancaster County-wide Communications stating that the proposed street names are acceptable.**
- (12) **Provide those reports required in Article VIII that apply to the subdivision and/or land development proposal.**
 - (a) **Transportation Impact Study. If a Transportation Impact Study would be required, but a preliminary plan submittal did not occur, then the Transportation Impact Study shall be provided with the final plan submittal. Such study shall meet the requirements of Section § 325-8.01.**
- (13) **Provide those additional reports and supplementary data that the applicant or his surveyor, engineer, and/or landscape architect relied on in order to design specific site improvements and/or structural elements. Conclusions and recommendations from these reports may, at the discretion of the Borough Council, become conditions of final plan approval.**

G. Prior to recording the final plan, the applicant shall provide the following items to the Borough.

- (1) **Posting of all appropriately executed financial securities and agreements.**
- (2) **When applicable, notification from the Pennsylvania Department of Environmental Protection (PA DEP) that either approval of the sewer facility plan revision (or plan revision module for land development) or supplement has been granted or that such approval is not required.**
- (3) **When required, notification from the Lancaster County Conservation District (LCCD) that an acceptable erosion and sedimentation control Plan/NPDES plan has been submitted and approved by that agency. The notification should include copies of approval letters, and all items submitted.**
- (4) **When applicable, notification from the Pennsylvania Department of Transportation (PennDOT) that approval of the highway occupancy permit (HOP) has been granted. The notification should include copies of approval letters, and all items submitted.**
- (5) **When applicable, notification from such other governmental review agency or agencies as may have jurisdiction.**

ARTICLE V. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

§ 325-5.01 IMPROVEMENTS REQUIRED.

- A. The developer shall agree to complete such improvements listed in this chapter as the Borough Council may require in the public interest as a prerequisite for approval of the final plan. In effect, no final plan will receive approval by the Borough Council unless the developer has completed all required improvements at the standards specified in this chapter or has given other assurance acceptable to the Council that the improvements will be completed. This assurance shall be in an acceptable form of financial guaranty equal to 110% of the cost of completing the improvements as of 90 days after the projected date of completion, which the developer/applicant shall designate. Furthermore, the date of completion shall be specified in the improvement agreement. Annually, the Borough may adjust the amount of financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
- B. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements submitted by an applicant or developer and prepared by a professional engineer licensed as such in this commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
- C. Physical improvements to the property being developed shall be provided, constructed and installed as shown on the final plan, in accordance with the requirements of the Borough. An improvement agreement shall be required to be signed and submitted by the developer for approval of the Borough Council.
- D. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law."^[2]
- E. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or Municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or Municipal authority and shall not be included within the financial security as otherwise required by this section.

§ 325-5.02 PLAN IMPROVEMENTS.

- A. Record plan approval. When requested by the developer, in order to facilitate financing, the Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Borough Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- B. Review fees. Review fees may include reasonable and necessary charges by the Borough's professional consultants for review and report thereon to the Borough. Such review fees shall be based upon a schedule established by ordinance or resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant for comparable services to the Borough for services which are not reimbursed or otherwise imposed on applicants. Fees charged to the Borough relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an applicant.
- C. Protection of final phases. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plans by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

§ 325-5.03 IMPROVEMENT CONSTRUCTION GUARANTEE.

- A. Form of financial security.
 - (1) Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, federal or commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
 - (2) Such financial security shall be posted with a bonding company or federal or commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the commonwealth.
 - (3) Such bond or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying developers' agreement for completion of the improvements.
- B. Amount of guarantee.
 - (1) Amount of financial security required. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110%.

Any additional security shall be posted by the developer in accordance with this subsection.

- (2) Estimate of the cost of completion. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
- (3) Additional time for completion. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

§ 325-5.04 INSPECTION DURING CONSTRUCTION.

- A. Inspections required. The Borough Council shall require inspections of the plans for correctness and inspections of the construction of the improvements. The applicant shall agree to pay the cost of any such inspections.
- B. Notice. The developer shall provide at least 72 hours' notice prior to the start of construction of any improvements that are subject to inspection.

§ 325-5.05 AS-BUILT PLAN.

- A. *The applicant shall submit an "As-built" plan to the Borough after the completion of improvements for each phase of construction, prior to the release of the final escrow amount for each phase.*
 - (1) *All submittals including plans and reports shall be provided in an electronic format acceptable to the Borough.*
 - (2) *All coordinates as depicted on the as-built plan shall be based on the Pennsylvania South Zone State Plan Coordinate System (NAD83 for horizontal and NAVD88 for vertical).*
 - (3) *The plan shall demonstrate that the existing grading, drainage structures and/or drainage systems, and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications.*
 - (4) *The plan shall specifically identify all deviations from the previously approved drawings. The applicant's engineer shall certify that the construction of the stormwater management facility was completed in accordance with the plans and specifications as originally submitted and approved by the Borough.*
 - (5) *The as-built plans shall include the following information.*
 - (a) *The actual location, dimension, and elevation of all improvements.*

- (b) *Actual location of concrete monuments.*
 - (c) *Actual location of all iron pins or drill holes in curbs for all individual lot lines.*
 - (d) *Actual cul-de-sac radius.*
 - (e) *Actual location of cartway centerline versus right-of-way centerline.*
 - (f) *Actual location of street right-of-way.*
 - (g) *Actual location and grading for all curb ramps and driveway aprons.*
 - (h) *Typical street cross section of each street right of way.*
 - (i) *Actual location of all public and private utilities.*
 - (j) *Actual location of all traffic control devices, such as signs, traffic signals, speed tables, mountable curbs, etc.*
 - (k) *Actual location of floodplain by elevation and dimension from lot lines.*
 - (l) *Actual location and cross section of swales and accompanying easements.*
 - (m) *Actual horizontal and vertical locations of stormwater management facilities including type and size of storm drainage pipes.*
- (6) *The As-Built Plan shall also show all stormwater management improvements, in compliance with the Stormwater Management Ordinance.*

§ 325-5.06 RELEASE OF FUNDS.

- A. **Partial release of funds.** As the work of installing the required improvements proceeds, the party posting the financial security may request Borough Council to release or authorize the release, from time-to-time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough Council and shall be accompanied by as built drawings. Borough Council shall have 45 days from receipt of such request within which to allow the Borough Engineer to certify, in writing, that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, Borough Council shall authorize release by the bonding company or lending institution of an amount fairly representing the value of the improvements completed. If Borough Council fails to act within said forty-five-day period, Borough Council shall be deemed to have approved the release of funds as requested. Prior to final release at the time of completion and certification by its engineer, Borough Council may require retention of 10% of the estimated cost of the aforesaid improvements.
- B. **Remedies to effect completion of improvements.** In the event that any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved final plan, the Borough Council is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Borough purpose.

§ 325-5.07 DEDICATION OF IMPROVEMENTS.

- A. All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by the Borough Council by ordinance, resolution, deed, or other formal document. No responsibility of any kind with respect to improvements shown on the final plan shall be transferred until the improvements have been formally accepted. No improvement shall be accepted for dedication except upon submission of as-built drawings by the developer and inspection of the final construction.

§ 325-5.08 MAINTENANCE GUARANTEE.

- A. *Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said dedicated improvements as well as the functioning of said dedicated improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this article with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said dedicated improvements.*
- B. *If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.*

~~ARTICLE VI. ARTICLE V-SITE STANDARDS~~

ARTICLE VII. DESIGN STANDARDS

§ 325-7.01 APPLICABILITY; COMPLIANCE WITH OTHER PROVISIONS

- A. Minimum standards and requirements.
- (1) The standards and requirements contained in this article shall apply as minimum design standards for subdivisions and/or land developments within the Borough. In addition, subdivisions and/or land developments shall be designed to comply with the requirements of the Chapter 320 Streets and Sidewalks, Zoning, Chapter **380**, Zoning, Chapter **315**, Stormwater Management, regulations of the provider of water and/or sewer services and regulations of PennDOT and DEP, as applicable.
 - (2) Land shall be developed in conformance with the Comprehensive Plan, Chapter 320 Streets and Sidewalks, Chapter **380** Zoning, and other ordinances and regulations in effect in the Borough.
 - (3) **If existing improvements, including stormwater management facilities, on the subject tract 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 development unless:**
 - (a) **Such existing improvements were installed in conformance with a previously approved subdivision and/or land development plan and are functioning properly;**
or
 - (b) **A modification of this section is submitted and approved in accordance with this chapter.**
- B. 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 or the County Planning Commission 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.
- C. 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, restriction 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, surveyor or landscape architect.

§ 325-7.02 GENERAL STANDARDS.

- A. Land subject to hazards to life, health or property, such as may arise from fire, floods, disease or other causes, shall not be developed for building purposes unless such hazards have been eliminated or unless the plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
- 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 transportation network, sewer

collection, conveyance and treatment facilities, water supply and distribution facilities and stormwater management facilities, as necessary to accommodate prospective traffic, provide adequate sewer and water service, promote proper stormwater management, facilitate fire protection, prevent flooding and conform to the Comprehensive Plan, the Official Map and any regulations or plans adopted in furtherance thereof.

- C. All proposed subdivisions and/or land developments shall also be designed, laid out, arranged, constructed and coordinated to ensure 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.
- D. The applicant shall submit studies and reports with the preliminary plan and the final plan which 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 which proposes the installation of such improvements has been approved and recorded.

~~§ 325-7.03~~ — ~~§ 325-24 IMPROVEMENTS.~~

- ~~A. Physical improvements to the property being developed shall be provided, constructed and installed as shown on the final plan, in accordance with the requirements of the Borough. An improvement agreement shall be required to be signed and submitted by the developer for approval of the Borough Council.~~
- ~~B. All required improvements shall be constructed at the expense of the developer as shown on the recorded plan in a manner approved by the Borough Council.~~
- ~~C. Supervision of the installation of the improvements required by this Part shall in all cases be the responsibility of the Borough or of the appropriate state regulatory agency.~~
- ~~D. The procedure for providing an improvement guaranty is outlined in § 325-9 of this chapter.~~
- ~~E. See the set of Technical Standards and Standard Details for the Borough of Millersville and the Construction Details in the Appendices.~~

§ 325-7.04 BLOCKS.

- A. All portions of the tract being developed shall be taken up on lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.
- B. All blocks in a subdivision shall have a maximum depth of 1,600 feet. Blocks subdivided into lots shall be two lot depths in width, except lots along a major thoroughfare which front on an interior street.
- C. In commercial or residential land development 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 or residential area.
- D. 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 work and customer access and parking.

- E. In large blocks with interior parks and 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 five feet of paving included therein may be required by the Borough Council.

§ 325-7.05 LOTS.

- A. Lots shall conform to Chapter **380**, Zoning.
- B. All lots shall abut on a public street or shall have access to an approved private street, *unless an alternative method of providing access is approved by Borough Council within a Traditional Neighborhood Development*, such as access to a rear vehicle alley and a front public sidewalk. If, after subdividing, there exist remnants of land, they shall be included in the area of proposed or existing lots.
- C. Side lot lines shall be at right angles or radial to street lines.
- D. Double-frontage lots are prohibited.
- E. Reverse-frontage lots are permitted.
- F. In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries and zoning district lines rather than cross them.

§ 325-7.06 EASEMENTS AND BUILDING SETBACK LINES.

- A. Building setback lines shall conform to Chapter **380**, Zoning.
- B. Easements.
 - (1) *The Borough reserves the right to require easements to be established for water facilities, sanitary sewer facilities, stormwater drainage facilities, public or private utilities, access and/or pedestrian access, and/or other public features.*
 - (2) *Nothing shall be placed or planted in an easement that would obstruct or conflict with the purpose of the easement.*
 - (3) *To the fullest extent possible, utilities and pedestrian paths should be centered within an easement; however, due to unexpected on-lot conditions, utility and pedestrian locations may be flexible within the easement.*
 - (4) All public or private utilities including sanitary and storm sewerage collection and water distribution systems shall be located within street rights-of-way of public streets or within the cartway of private streets unless otherwise approved by the Council.
 - (5) When easements are required for utilities, they shall be a minimum of 20 feet wide and shall, to the fullest extent possible, be centered on or be adjacent to rear or side lot lines. Local utility companies shall be consulted by the developer when locating easements.
 - (6) Where a subdivision or land development is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainageway, channel or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities or for the purpose of installing stormwater sewers.
 - (7) *In lieu of prescribing the limits of various easements, applicants may propose the establishment of blanket easements.*

§ 325-7.07 SURVEY MONUMENTS AND MARKERS.

- A. A minimum of two (2) concrete monuments shall be placed on each site. For subdivision plans over 9 lots, the total number of concrete monuments shall be determined by taking the total number of lots and dividing it by ten (10) and adding two (2) additional monuments. For example, a 10-19 lot subdivision would require three (3) monuments. The location of the monuments shall be determined by a registered professional surveyor and approved by the Borough Engineer.
- B. Monuments shall be of concrete, with a flat top having a minimum width or diameter of four inches and a minimum length of thirty (30) inches cast-in-place or pre-cast concrete. Monuments shall be marked with a center punch mark in a three-quarter (3/4) inch copper or brass dowel. Metallic markers shall consist of Copperweld bars at least thirty (30) inches long and not less than three-quarters (3/4) inch in diameter. Alternative monumentation methods will be at the discretion of the Borough Engineer. All monuments shall be inscribed with a proper inscription indicating the name of the surveyor responsible for the survey.
- C. Monuments or markers shall be set at all points where lot lines intersect right-of-way lines, all curves, at all angles in property lines and at the intersection of all other property lines.
- D. All monuments and markers shall be placed by a registered engineer or surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked. Concrete monuments shall be placed with an accuracy of +/-one tenth (1/10) of a foot within the coordinates listed on the plan.
- E. The coordinates of all survey monuments shall be tied into North American Datum (NAD) 1983, Pennsylvania South. The coordinates of each monument, latitude/longitude as well as grid coordinates shall be placed on the recorded plan.
- F. All existing and proposed monuments and lot line markers shall be delineated on the final plan. Upon final plan approval, the applicant shall provide the Borough with an electronic copy (in AutoCAD compatible format) of all the property line and monument/marker locations.

§ 325-7.08 STREETS.

All new, extended or improved streets, alleys and driveways shall be designed and constructed in accordance with all requirements of this Chapter, Chapter 320 Streets and Sidewalks of the Borough's Codified Ordinances and the Borough's Technical Specifications and Standard Details.

§ 325-7.09 CURBS, SIDEWALKS AND TRAILS.

- A. All curbs and all sidewalks ~~along streets in a subdivision or land development~~ shall be designed and constructed in accordance with all requirements of this Chapter and the following:
 - (1) PennDOT Publication 408 or its successor publication.
 - (2) PennDOT specifications for ADA-accessible curb ramps at intersections (Roadway Construction Standard RC-67M).
 - (3) *Chapter 320 Streets and Sidewalks of the Borough's Codified Ordinances*
 - (4) *The Borough's Technical Specifications and Standard Details*
- B. Curbs
 - (1) Curbs shall be provided on all new, improved, existing or extended streets located within or abutting a subdivision or land development, unless the applicant proves to Borough Council that curbing in a certain location would not serve any valid public purpose.

- (2) In areas where curbing is not used (*such as if a waiver is approved*), satisfactory provision must be made to avoid erosion, such as an *erosion-resistant roadside swale*.

C. Sidewalks.

- (1) *Sidewalks shall be required on both sides of a new, existing or extended street within a subdivision or land development, unless the applicant proves to Borough Council that sidewalks in a certain location would not serve any valid public purpose. A sidewalk is not required along an alley. A sidewalk shall not be required if the Borough approves an acceptable alternative pathway system that serves the same connectivity purpose. Such a pathway system may be located outside of the street right-of-way, but shall include a pedestrian easement.*
- (2) *Where necessary to provide safe pedestrian circulation within a parking lot, the Borough may require that a designated pedestrian route be provided within a parking lot.*
- (3) *All sidewalks shall conform to specifications for Cement Concrete Sidewalks in PennDOT Publication 408 or its successor publication. See also PennDOT specifications for ADA-accessible curb ramps at intersections (Roadway Construction Standard RC-67M). See also the Technical Standards and Standard Details for the Borough of Millersville, which may include certain modifications to Publication 408 standards. See also Borough Street and Sidewalk Code standards.*

D. Trails.

- (1) Trail width shall be based upon the anticipated usage of the trail (walking/hiking, bicycling, cross-country skiing, horseback riding, and the like), but in no case shall the width of the trail be less than five feet.
- (2) As applicable, easements are required for and shall be of sufficient width to encompass the full trail width. In no case shall the easement width be less than 10 feet.
- (3) Encroachments into the trail shall not result in less than a four-foot wide minimum clearance width from any obstacles. If the nature of the trail's usage requires a larger clearance area, the larger clearance area shall be provided and maintained.
- (4) Marked crosswalks shall be provided within the vehicular travel ways intersecting with trails.
- (5) Provide a plan note referencing maintenance responsibility of the pedestrian trail.
- (6) Pedestrian trails shall connect to an access point.

§ 325-7.10 SANITARY SEWERS.

- A. Sanitary wastewater disposal. The applicant shall be required to connect all new subdivisions and land developments to the public sanitary wastewater disposal system.
- B. The final plan application shall include a statement from the Borough Sewer Department indicating the approval of the plans for design, and installation of the sewer system.
- C. The sanitary sewer design and installation shall be in accordance with the specifications of the Borough Sewer Department.
- D. Whenever standards for required sanitary sewer improvements are not specified by the Borough *Sewer Department*, the applicable standard requirements of the DEP shall govern, and all work shall be performed in the manner prescribed in the standard specifications for sanitary sewer construction of DEP for the type of construction under consideration.

§ 325-7.11 WATER SUPPLY AND FIRE HYDRANTS.

- A. **Water Supply. The applicant shall be required to connect all new subdivisions and land developments to the public water supply system.**
- B. *The design and installation of the public water supply system shall meet the requirements of DEP and the City of Lancaster Water Department, or its successor entity.*
- C. *The design and installation of such system shall be subject to the City of Lancaster Water Department standards, except that the Borough establishes the following additional minimum standards and materials, unless an alternative is pre-approved by the Borough Engineer:*
 - (1) All pipe shall have a minimum cover of four feet from finish grade to the crown of pipe.
 - (2) Generally, water mains shall be so designed as to form a loop system to enhance the continual supply of fresh water. ~~When dead ends occur on new mains, they shall all be closed with cast iron plugs or caps, with a blowoff valve or fire hydrant.~~
 - (3) Blowoffs shall not be connected to any sewer or submerged in any manner that will permit back-siphonage in the distribution system.
 - (4) **Fire hydrant materials, location and spacing are subject to approval from the local fire department.**
 - (5) Fire hydrants shall be provided as an integral part of any public water system. They shall be located no farther than 500 feet apart, as measured within the right-of-way. Each hydrant shall be connected to the main with a minimum of six-inch cast-iron branch controlled by a minimum of an independent six-inch gate valve.
 - (6) Fire Hydrants shall be located in a manner to provide complete accessibility and so that the possibility of damage from vehicles or injury to pedestrians will be minimized. When placed behind the curb, the hydrant barrel shall be set so that no portion of the pumper or hose nozzle cap will be less than 24 inches from the gutter face of the curb. When set in the lawn space between the curb and the sidewalk or between the curb and the property line, no portion of the hydrant or nozzle cap shall be within six inches of the sidewalk.
- D. *If a waiver is granted to have a property not be served by the public water supply system, each lot in a subdivision shall be provided with an individual water supply system in accordance with all applicable standards of DEP. If water is to be provided by a means other than by a private well owned and maintained by the individual owners of lots, the applicant shall provide evidence that the subdivision or development will be supplied by a public water system.*

§ 325-7.12 STORMWATER MANAGEMENT REGULATIONS.

All subdivision and/or land development applications are subject to the standards and requirements set forth in Chapter 315, Stormwater Management. All stormwater management facilities shall be designed and constructed in accordance with Chapter 315, Stormwater Management, *as a condition of any approval under this Ordinance.*

§ 325-7.13 EROSION AND SEDIMENT CONTROL.

- A. All subdivisions and land developments are required to comply with the Clean Streams Law of Pennsylvania and Chapter 102 of the Rules and Regulations of DEP.
- B. The developer is responsible for the submission and approval of an application to the regional office of DEP for a permit to allow any earth-moving activity. All developers are required to obtain such permit, except those developers designated in § 102.41, Permits and Plans, of Chapter 102 of the Rules and Regulations of DEP.

- C. The erosion and sedimentation control plan must be available at all times at the site of the activity. When required, the permit allowing earth-moving activity shall be obtained by the developer before any construction on the site shall begin.

§ 325-7.14 STREETLIGHTS.

- A. Streetlights shall be provided with the construction of all new streets. A plan for streetlights, approved by the utility company, shall be provided by the developer to the Planning Commission for review and the Borough Council for approval upon submission of final subdivision or land development plans.
- B. *Streetlights shall be provided at street intersections, major pedestrian crossings, curves in streets, locations where a street becomes more narrow, and other locations as required by the Borough.*
- C. *In areas where street lights are required, they shall result in a minimum lighting level of one footcandle along the street.*
- D. *Street lights shall include a LED luminaire, unless an alternative is approved by the Borough. Styles, heights and types of fixtures shall be subject to the approval of the Borough Council. New street lights may be required to follow a historic style of design with a dark color pole, or to be consistent with existing street lights in the vicinity.*

§ 325-7.15 STREET TREES.

- A. *Street trees shall be provided and placed at locations approved by the Borough. Street trees may be approved to be placed at least five feet from the sidewalk or placed between the curb and sidewalk, provided that the planting strip is a minimum of six feet wide. If the Borough approves the placement of the street trees immediately outside of the street right-of-way, an easement shall be required that limits the removal of healthy street trees, and requires a replacement tree to be planted if the tree is removed.*
- B. *Trees generally shall be of a two- to two-and-one-half-inch caliper with a maximum planting interval of 70 feet, unless otherwise specified by the Borough. The species of shade trees shall be approved by the Borough. A standard reference source for tree species for different locations in the local climate shall be the “Recommended Species for Different Locations” section of the “Action Plan for Lancaster City’s Urban Forest.” If an applicant proposes a species that is not on a pre-approved list used by the Borough, the applicant shall provide sufficient information from credible sources that shows the suitability as a street tree. The species shall be suitable for the proposed location, including having a limited mature height if the tree could grow under utility lines.*

§ 325-7.16 LANDSCAPING.

- A. All ground surfaces in a development that are neither paved nor covered with some other solid material shall be provided with vegetative growth which is capable of preventing soil erosion and the emanation of dust during dry weather.
- B. A landscaping plan which conforms to the requirements of this chapter and those of Chapter 380, Zoning, shall be required for all land developments *and along any proposed new street*. The landscaping plan shall show the location, size and name of all trees, shrubs, vegetative screens and ground covers proposed to be installed in said land development.

§ 325-7.17 UNDERGROUND WIRING.

- A. All electric, telephone, television, and other communication facility distribution and connection lines servicing new developments shall be provided by underground wiring within easements or dedicated public 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 lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. In accordance with the prevailing standards of the overhead utility company having jurisdiction, trees shall be planted in open areas and at key locations to minimize the view of the poles and overhead lines.

§ 325-7.18 RECREATION LAND AND FEES.

- A. Legislative intent. All residential subdivision or land development plans submitted after the effective date of this section shall provide for a suitable and adequate recreation area or pay fees-in-lieu of providing land in order to:
 - (1) Ensure adequate recreational areas and facilities to serve the future residents of the Borough.
 - (2) Reduce increasing usage pressure on existing recreational areas and facilities.
 - (3) Ensure that all present and future residents have the opportunity to engage in many and varied leisure *pursuits*.
- B. Applicability. The provisions of this section shall apply to all residential subdivisions or land developments. The provisions of this section shall apply to residential structures which are considered student residences under the provisions of Chapter **380**, Zoning. This section shall not apply to a subdivision or land development plan that is grandfathered under Section 508 of the Municipalities *Planning Code*.
- C. Land requirements for proposed recreation areas. Land required to be provided for recreation area for residential subdivision or land development plans shall comply with the following requirements:
 - (1) *The minimum lot area which shall be dedicated as a public recreation area shall be 1,500 square feet per new dwelling unit that is proposed. If the Borough determines that the proposed recreation area is only suitable for passive recreation, and not active recreation, then the minimum lot area per dwelling unit shall be increased to 3,000 square feet.*
 - (2) Such public recreation land 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 Borough Council.
 - (3) *With mutual consent of the Borough and the applicant, or in situations where the applicant has not proposed to dedicate recreation land that is suitable in the determination of Borough Council, the applicant shall be required to pay a recreation fee in-lieu-of providing recreation land. The recreation fee shall be \$3,000 for each new dwelling unit that is allowed as part of the subdivision or land development. The decision on whether land or fees will be required should be discussed at the Sketch Plan Stage, and shall be decided upon prior to preliminary plan approval.*

- D. Criteria for proposed recreation areas. Whether publicly dedicated or privately reserved, proposed recreation areas *used to meet Borough requirements* shall be designed in accordance with the requirements of this subsection, including the following:
- (1) Recreation areas shall be easily and safely accessible from all areas of the development to be served, shall have good ingress and egress and shall have direct access to a public roadway. No public vehicular roadways shall traverse the recreation area.
 - (2) Recreation areas shall be contiguous and regular in shape.
 - (3) Recreation areas shall have suitable topography and soil conditions for use and development as a recreation area.
 - (4) A minimum of 75% of the required recreational area shall have a maximum slope of 7%.
 - (5) No more than 50% of the recreational area may be within 100 year floodplain or wetlands areas as defined by DEP or have other features which would render the land unusable for recreation.
 - (6) No stormwater management facilities designed to retain or detain water from other portions of the development shall be permitted within the recreation area.
 - (7) Lands under overhead electric transmission lines shall not count towards recreation lands.
 - (8) Recreational areas shall not contain any materials which would be termed hazardous wastes under applicable state and federal statutes, shall not contain any petroleum products and shall not contain any underground storage tanks or locations from which underground storage tanks were removed.
 - (9) Recreational areas shall be suitable for development as a particular type of park. Published standards of the National Recreation and Park Association *may be considered*.
 - (10) If the developer plans to construct facilities for recreation in the recreation area as an amenity for the development, such facilities shall be constructed in accordance with *current published standards for that type of facility, such as U.S. Consumer Product Safety Standards for children's playgrounds*. The developer shall present a sketch plan of the facilities to be constructed and an estimate of the cost of construction.
 - (11) The Borough may require that a proposed recreation area include *a suitable on-site pathway to connect the recreation area with adjacent neighborhoods*.
- E. Dedication of recreation area. All recreation area required by this section shall be irrevocably dedicated to the Borough, unless the Borough approves an alternative method of ownership and maintenance. The Borough Council, in its sole discretion, shall have the power to accept dedication of such land. The developer shall present evidence of clear title to the recreation area 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) *With mutual consent of the Borough and the applicant, the required recreation land may be owned and maintained as part of a rental development or through a homeowner association, instead of being dedicated to the Borough. A written agreement between the developer and the Borough which specifies the developer's obligations shall be executed prior to or concurrent with final plat approval. Such agreement must be in a form and have specific content that is acceptable to the Borough Solicitor.*
 - (2) All approved recreation areas shall be completed and dedicated or reserved before 50% occupancy has been reached in any applicable subdivision or land development. The Borough may avail itself of all remedies provided by the Municipalities Planning Code, including but not limited to the withholding of permits, to ensure compliance with this provision. *Statements on the plan* 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.

- (3) If such lands and facilities are to become common elements of a homeowners' or unit owners' association of any type, then such association's organization bylaws must conform to all applicable State law, such as the Pennsylvania Uniform Planned Community Act, 68 Pa.C.S.A. § 5101 et seq. Such documentation shall be recorded, shall provide that the land cannot be further developed for other than recreation purposes and shall give the Borough the right to maintain the land *and recover costs if the association fails to accomplish the work*, as set forth in Article VII of the Municipalities Planning Code dealing with the maintenance of common open space in planned residential developments.
- (4) The deed of conveyance of such recreation area 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 area, without first offering to dedicate the land and improvements to the Borough. Such covenants shall be in a form acceptable to the Borough Solicitor.
- (5) If acceptable to the Borough, the recreation area 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.
- (6) *Where a recreation fee is required, it shall be made at the time of recording of the final plan, unless an alternative arrangement for payment in phases is agreed to by the Borough as part of a Developer's Agreement.*
- (7) Fee-in-lieu funds disposition. Monies received from developers shall be placed in a Recreation Fund and shall be administered and expended as required by the Municipalities Planning Code.
- (8) Alternatives. As a modification to the requirements of this Ordinance, the Borough Council may approve a written request from the applicant for an alternative to the provision of recreation land or the payment of fees. This modification may allow a portion or all of the requirements to be offset by the applicant providing substantial recreation facilities within the development, or by completing specified improvements within another public recreation area.

§ 325-7.19 GAS AND PETROLEUM PRODUCT PIPELINES.

- A. The minimum distance from a natural gas line to a dwelling unit shall be as required by the applicable transmission or distributing company or as may be required by the applicable regulations issued by the Department of Transportation under the Natural Gas Pipe Line Safety Act of 1968, as amended, whichever is greater.
- B. When any petroleum or petroleum products transmission line traverses a subdivision or land development, the developer shall confer with the applicable transmission or distributing company to determine the minimum distance which shall be required between each proposed dwelling unit and the petroleum or petroleum products transmission line.

ARTICLE VIII. STUDIES

§ 325-8.01 TRANSPORTATION IMPACT STUDY.

- A. A transportation impact study is required to be submitted at the time of preliminary plan or final plan submittal if preliminary plan is waived for certain major subdivisions and land developments.
- B. *The study purpose is to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access from the site to the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development.*
- C. *A transportation impact study shall be required for all subdivisions and land developments that meet one or more of the following criteria:*
- (1) A residential subdivision or land development of 30 or more or more dwelling units.
 - (2) A non-residential land development of 30,000 square feet or more of total building floor area.
 - (3) A development which will generate an Average Daily Traffic generation of at least 300 vehicles.
- D. The transportation impact study shall contain, but not be limited to, the following information:
- (1) General site description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units and number of bedrooms shall also be included. A brief description of other major existing and proposed land developments within the study area shall be provided and shall be addressed by the traffic impact study. The general site description shall also include probable socioeconomic characteristics of potential site users to the extent that they might affect the transportation needs of the site (for example, the number of senior citizens).
 - (2) Transportation facilities description.
 - (a) The report shall document the proposed internal and existing external transportation system. This description shall include internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelization, and any traffic signals or other intersection control devices within the site. The site design shall be shown to maximize potential public transportation usage to and from the development, such as providing adequate turning radii at all access points to allow a bus to enter the development. Bus shelters and sign locations shall be designated where appropriate.
 - (b) The report shall describe the entire external roadway system within the study area. Major intersections in the study area shall be identified and sketched. All existing and proposed public transportation services and facilities within a one-mile radius of the site shall also be documented. All future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from the PennDOT 12-Year Improvements Program and the County Transportation Plan.
 - (c) Any proposed roadway improvements resulting from proposed surrounding development shall also be considered. Traffic counts shall be taken on days when

Millersville University and public schools are both in session and shall consider peak hour traffic from public schools.

- (3) Existing traffic conditions. The scope of the study shall be approved by the Borough Staff, including the intersections to be studied.
 - (a) Existing traffic conditions shall be measured and documented on all streets and intersections in the study area. Traffic volumes shall be recorded for existing average daily traffic, existing peak hour traffic and for the land development's peak hour traffic. Complete traffic counts at all major intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s), and documentation shall be included in the report. A volume/capacity analysis based upon existing volumes shall be performed for the peak hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location.
 - (b) This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand.
- (4) Transportation impact of the development. Estimation of vehicular trips to result from the proposed development shall be completed for both the street system and the development-generated peak hours. Vehicular trip generation rates to be used for this calculation shall be obtained from the Institute of Traffic Engineering (ITE) or other recognized traffic authorities. These development-generated traffic volumes shall be provided for the inbound and outbound traffic movements as estimated. The reference source(s) and methodology followed shall be cited. These generated volumes shall be distributed to the study area and assigned to the existing streets and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to all access points.
- (5) Analysis of Transportation Impact
 - (a) The total future traffic demand based on full occupancy of the proposed subdivision or land development shall be calculated. This demand shall consist of the combination of existing traffic expanded to the completion year, the development-generated traffic, and the traffic generated by other proposed developments in the study area. A volume/capacity analysis shall also be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed using the peak highway hour(s) and peak development-generated hour(s) for all streets and major intersections in the study area. Volume/capacity calculations shall be completed for all major intersections.
 - (b) All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation. Levels of service for all streets and intersections shall be listed.
- (6) Conclusions and Recommended Improvements
 - (a) All streets and/or intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to the following elements: internal circulation design; site access location and design; external street and intersection design and improvements;

traffic signal installation and operation, including signal times; and transit design improvements.

- (b) Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included.
 - (c) The listing of recommended improvements for streets and pedestrian access shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement and the completion date for the improvement.
 - (d) Within the limits of State law, based upon the traffic study or any professional review, the Borough Council may decide that certain improvements or fair share contributions towards the cost of certain improvements are required for approval, and may attach these conditions to the preliminary or final approval.
- (7) For projects that require a Highway Occupancy Permit (HOP), any preliminary or final plan application is conditioned upon the applicant providing evidence of an approved HOP.

ARTICLE IX. ARTICLE VII ADMINISTRATION

§ 325-9.01 MODIFICATIONS AND WAIVERS.

- A. The provisions of this chapter are the minimum standards for the protection of the public welfare.
- B. *The Borough Council may grant a modification or waiver of one or more provisions of this chapter after the applicant provides a written request, and after the Borough Engineer is provided with an opportunity to comment. A modification or waiver shall only be granted if the applicant proves that such modification or waiver will not be contrary to the public interest and that the purpose of this chapter is observed. A modification or waiver may be approved if the applicant proves that a hardship exists because of the peculiar conditions pertaining to the property, or that a suitable alternative standard would be able to serve the intended public purpose. Borough Council may also approve a request to defer the installation of an improvement to a future date.*
- C. In granting modifications, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.
- D. All requests for a modification shall be in writing and shall accompany and be part of the application for development. The request shall state in full the grounds for the request, the provision or provisions of the ordinance involved, and how the request is the minimum modification necessary. No modification request shall be granted unless it has been specially moved and adopted by the Borough Council and the action noted in the minutes of the meeting.

§ 325-9.02 AMENDMENTS.

The Borough Council of Millersville Borough may, from time to time, revise, modify and amend this chapter by appropriate action taken at a scheduled public meeting, all in accordance with the applicable provisions of the MPC.

§ 325-9.03 VIOLATIONS.

The following are violations:

- 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 unless and until a final plan has been recorded as provided herein.
 - (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, unless and until a final plan has been prepared in full compliance with the provisions of this chapter and has been recorded as provided herein.
 - (3) Erect any building or buildings which constitute a land development thereon unless and until a final plan has been prepared in full compliance with the provisions of this chapter and has been recorded as provided herein.

- (4) Commence site grading or construction of improvements prior to recording of a final plan, unless such grading or construction is for the sole purpose of installing improvements in accordance with an unconditionally approved preliminary plan, unless and until a final plan has been prepared in full compliance with the provisions of this chapter and has been recorded as provided herein.
 - (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 a provider of sewer or water service 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.
- B. 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 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 preliminary plan or final plan, as applicable, commits a violation of this chapter.
 - C. 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 or professional consultant of the owner of any lot, tract or parcel of land, shall knowingly provide false information on any plan, report, certification or other document required to be submitted by this chapter commits a violation of this chapter.
 - D. Any person, partnership or corporation or the members of such partnership or the officer of such corporation, who or which, being the owner or agent of the owner of any lot, tract or parcel of land, 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.

§ 325-9.04 PENALTIES; ADDITIONAL REMEDIES.

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

- (3) As an additional condition for 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 property.

B. Enforcement remedies.

- (1) Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney's fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that violation continues shall constitute a separate violation.
- (2) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

§ 325-9.05 CHALLENGES AND APPEALS.

The decision of the Borough Council with respect to the approval or disapproval of plans may be appealed directly to court as provided for in the MPC.

Repealer, Severability, Adoption

Repealer. The pre-existing Subdivision and Land Development Ordinance, Chapter 325 of the Codified Ordinances of the Borough of Millersville is hereby repealed and replaced by this new Ordinance. However, the pre-existing Appendices of Chapter 325 shall continue in effect. Portions of all other ordinances or resolutions that are clearly in direct conflict with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

Severability. Section 1-14 of the Codified Ordinances shall also apply to this Ordinance.

Enactment and Effective Date.

The attached new Subdivision and Land Development Ordinance for the Borough of Millersville, Lancaster County, Pennsylvania is hereby enacted by the Millersville Borough Council as a new Chapter 325 of the Codified Ordinances of the Borough of Millersville on this date of

_____, 202__. This Ordinance shall become effective in five calendar days after the enactment date.

President of Borough Council

Mayor

ATTEST: Borough Secretary