

BOROUGH OF MILLERSVILLE

Lancaster County, Pennsylvania

ORDINANCE NO. _____

AN ORDINANCE TO AMEND AND RESTATE CHAPTER 325, SUBDIVISION AND LAND DEVELOPMENT, OF THE MILLERSVILLE BOROUGH CODE OF ORDINANCES.

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

Section 1. The Millersville Borough Code of Ordinances, Chapter 325, Subdivision and Land Development, shall be amended by deleting Articles I, Short Title, Purpose, Authority and Jurisdiction; II, Definitions; III, Procedures; IV, Plan Requirements; V, Site Standards; VI, Improvement Standards; and VII, Administration, and inserting the following Articles in their places:

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".

§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 chapter is enacted and enforced under the authority provided to the Borough by the Pennsylvania Municipalities Planning Code, including 53 P.S. § 10501 et seq.

§325-1.04 JURISDICTION.

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

- 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 Borough Council concerning approval, disapproval, modification and conditions of approval of such plans.
- D. Which shall make recommendations to 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 PLANS.

All proposed subdivision and land development shall be acted upon by Borough Council.

§325-1.06 COMPLIANCE REQUIRED.

- A. No land development or subdivision of any lot, tract or parcel of land located within this Borough shall be effected and no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for travel or public use, or for the common use of occupants of buildings thereon, unless and until a final subdivision or land development plan has been approved and recorded in the manner prescribed herein. Furthermore, no property shall be developed, no building shall be erected and no site improvements shall be completed except in strict accordance with the provisions of this chapter.
- B. No lot in a subdivision may be sold or transferred; no permit to erect, alter or repair any building upon land in a subdivision and land development may be issued; and no building may be erected in a subdivision and land development, unless and until a final subdivision or land development plan has been approved and recorded, and until construction of any

required site improvements in connection therewith has been completed or guaranteed in the manner prescribed herein.

§325-1.07 CONTINUANCE OF PRIOR REGULATIONS.

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

ARTICLE II
DEFINITIONS.

§325-2.01 WORD USAGE.

- A. In this chapter, the following rules of interpretation shall be used:
- (1) Words in the singular include the plural, and words in the plural include the singular.
 - (2) Words in the present tense may imply the future tense.
 - (3) The word "person" includes a corporation, association, trust, estate, unincorporated association and a partnership, or any other legally recognized entity, as well as an individual.
 - (4) The word "building" shall be construed as if followed by the words "or part thereof."
 - (5) The word "street" includes "road," "highway" and "lane".
 - (6) The word "watercourse" includes "drain," "ditch," and "stream."
 - (7) The words "shall" or "will" are mandatory, and the word "may" is permissive.
 - (8) The word "lot" includes the word "plot," "parcel," or "tract."
- B. References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies, or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies, or officials of this Borough as in effect or office from time to time, including amendments thereto or revisions or successors thereof, unless the text indicates that another reference is intended. References to officially adopted regulations, standards, or publications of PennDOT, DEP, or other governmental agencies shall include the regulation, publication, or standard in effect on the date when a plan is first filed. It is the intent of the Council in enacting this section to incorporate such changes to statutes, regulations, and publications to the extent authorized by 1 Pa.C.S. § 1937.
- C. The time within which any act required by this chapter is to be performed shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Pennsylvania General Assembly, it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.
- D. If a term is not defined by this chapter, but is defined in Chapter 380, Zoning, Chapter 320, Streets and Sidewalks, or Chapter 315, Stormwater Management, the definition in that other chapter shall apply to this Ordinance. Words defined in the MPC and not defined in this chapter shall have the meanings set forth in the MPC. If a term is not defined in any of those chapters or the MPC, 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.

§325-2.02 DEFINITIONS.

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

AGENT

Any person, other than the developer, who, acting for the developer, submits to the Borough a subdivision or land development plan 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

Millersville Borough, Lancaster County, Pennsylvania.

BOROUGH COUNCIL

The governing body of the Borough.

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.

CITY

The City of Lancaster, Lancaster County, Pennsylvania, owner and operator of the public water supply system serving the Borough or any subsequent entity providing public water service within the Borough.

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.

COMMISSION

The Millersville Borough Planning Commission.

CONSERVATION DISTRICT

The Lancaster County Conservation District or any agency successor thereto.

COUNTY PLANNING COMMISSION

The Lancaster County Planning Commission.

CROSSWALK

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

DEP

The Pennsylvania Department of Environmental Protection or any agency successor thereto.

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.

IMPROVEMENT

The making of physical changes to the land, including but not limited to grading and paving, installation of curbs, gutters, stormwater management facilities, or sidewalks, and extensions and/or installation of water supply facilities and/or sanitary sewer facilities, in

order to prepare the land for two or more residential units of occupancy or one or more nonresidential units of occupancy. "Improvement" shall also include the erection of a nonresidential building, the addition of more than 50 square feet to a nonresidential building, the conversion of a nonresidential building into a greater or lesser number of units of occupancy, or the conversion of a single-family residence into four or more dwelling units. "Improvement" shall not include the erection of a residential accessory building or structure, including, but not limited to, attached or detached garages, swimming pools or tennis courts, or the erection of an accessory building or structure for agricultural purposes on a farm.

LAND DEVELOPMENT

Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure.
 - 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.

A land development shall not include (i) the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; or (ii) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

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.

NONRESIDENTIAL

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

PENNDOT

The Pennsylvania Department of Transportation or any agency successor thereto.

PLAN, AS-BUILT

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

PLAN, 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.

RECORDER OF DEEDS

The Recorder of Deeds in and for Lancaster County, Pennsylvania.

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:

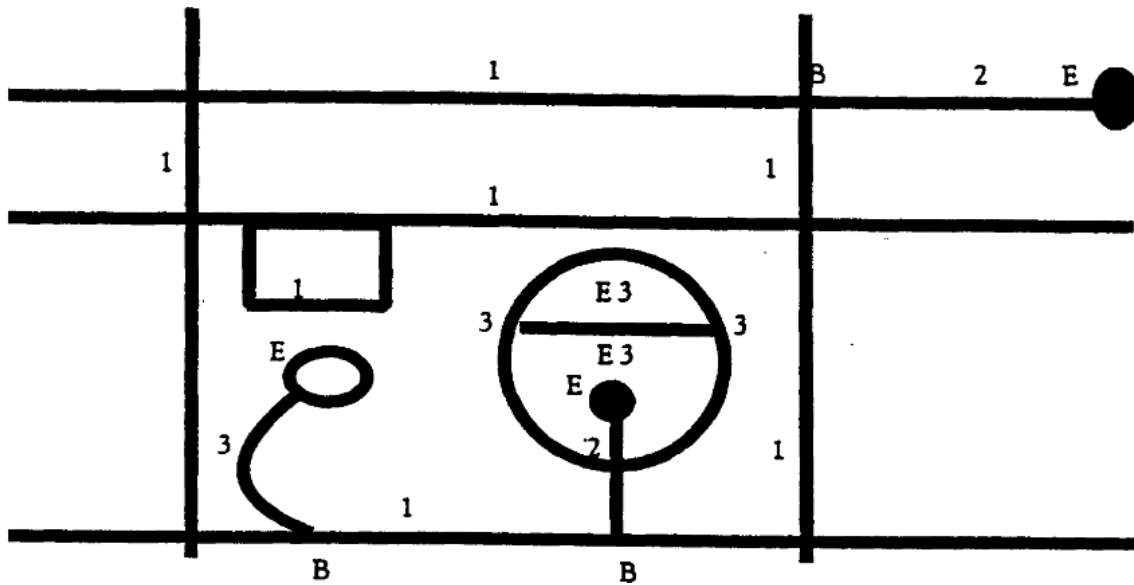
1 = Through street.

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

A street not offered for dedication or, if dedicated, not accepted by the Borough.

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.

ZONING HEARING BOARD

The Millersville Borough Zoning Hearing Board.

ARTICLE III

PROCEDURES

§325-3.01 SKETCH PLAN.

- A. Developers are urged to discuss possible development sites with the Borough staff and Commission prior to submission of a preliminary plan.
- B. A sketch plan is encouraged to be submitted for an informal review by the Borough staff and Commission prior to submission of a preliminary or final plan. 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.
- B. 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 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 the 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 County Planning Commission. 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 County Planning Commission 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 County Planning Commission, in accordance with the requirements of the County Planning Commission.
- C. Plan requirements. All preliminary plans shall be prepared in conformance with the provisions of §325-4.03 and any other applicable requirements.
- D. Distribution. The applicant shall distribute copies of the preliminary plan to the following:
- (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) County Planning Commission.
- E. Borough Planning Commission Action. The 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 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. 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) 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. Satisfaction of conditions. Within one year after the meeting of Borough Council at which a preliminary plan is conditionally approved, the applicant shall submit to the Borough evidence that the applicant has satisfied all conditions upon approval of the preliminary plan together with an electronic file copy, and one paper copy, 24 inches by 36 inches, of the preliminary plan revised to reflect compliance with all conditions. Such copies shall have all pertinent signatures, seals and certifications. Failure to satisfy conditions or submit the required copies shall result in the expiration of preliminary plan approval.
- H. Effect of approval.
- (1) Approval of the preliminary plan shall constitute approval of the subdivision as to the character and intensity of development and the arrangement and approximate dimensions of streets, lots and other planned features, but shall not authorize sale of lots or any construction. To change, relocate or remove a street from an approved preliminary plan, a new plan must be submitted by the owners of the land over which the street was laid out and be approved by Borough Council.
 - (2) Upon approval of the preliminary plan by Borough Council, the streets shown thereon shall constitute easements over the property for the purpose of construction.
 - (3) Approval of the preliminary plan shall confer upon the applicant such rights as are set forth in MPC Article V.
 - (4) In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, the applicant shall file a schedule with the preliminary plan delineating all proposed sections, as well as deadlines within which applications for final plan approval of each section are intended to be filed.
 - (a) The applicant shall update said schedule annually on or before the anniversary of preliminary plan approval until final plan approval of the final section has been granted.
 - (b) Any modification in the aforesaid schedule shall be subject to the approval of Borough Council in its discretion.
 - (c) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units depicted on the preliminary plan, unless a lesser percentage is approved by Borough Council.
- I. Improvement construction from preliminary plan. In accordance with the option as set forth

in MPC Section 509 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) Preliminary 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.
- (4) The applicant may, after receipt of acknowledgment from 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 preliminary plan.

§325-3.03 FINAL PLAN.

A. Application for final plan approval

- (1) Within one year after the Borough Council has conditionally 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 Borough Council upon written request, a plan submitted after the one-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 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 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 shall 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 the Borough's current fee schedule.
- (6) 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.
- (7) Submission to the County Planning Commission. 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 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 County Planning Commission, in accordance with the requirements of the County Planning Commission.

C. Plan requirements. All final plans shall be prepared in conformance with the provisions of §325-4.04 and any other applicable requirements.

- D. Distribution. The applicant shall distribute copies of the final plan to the following:
- (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) County Planning Commission.
- E. Borough Planning Commission Action. The 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 Commission's recommendations and the Borough Engineer's review letter shall be forwarded to Borough Council for consideration.
- F. Borough Council action, notification and applicants' acceptance. Borough Council shall render its decision in accordance with applicable MPC requirements. Borough Council may approve the final plan, or may approve the final plan subject to conditions, or may disapprove the final plan.
- (1) 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.
 - (2) Satisfaction of conditions. If Borough Council conditions its final plan approval upon receipt of additional information, changes, or notifications, such data shall be submitted or plan alterations noted on two paper copies of the plan submitted to Borough Council for approval. Such data shall be submitted to the Borough within 180 days of its conditional approval, unless Borough Council grants a waiver by extending the effective time period.
- G. Borough Council approval and certification.
- (1) Any modification or waiver of requirements by Borough Council shall be noted on all copies of the final plan.
 - (2) After the final plan has been approved by 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 Recorder of Deeds.
 - (3) Upon payment of any outstanding plan review or inspection fees, the Commission and Borough Council shall sign the final plan. The Borough may retain one paper

copy of the plan.

- (4) 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 County Planning Commission for signature.

H. Recording of final plan.

- (1) Within the timeframe in MPC Section 513, the applicant shall record the plan with the Recorder of Deeds. If the plan is not recorded within such period, the approval of 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 V of this chapter.
- (2) The final plan shall be recorded with the 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) The applicant shall provide thumb drives or another approved device 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 to the 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 to accept such improvements or concerning maintenance or improvement of any such dedicated streets or public uses unless Borough Council shall have accepted the same by ordinance.
- (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. The Borough shall not assume responsibility for any improvement or maintenance thereof, unless it is accepted after acceptance and after any maintenance guaranty period.

§325-3.04 MULTIPLE APPLICATIONS.

The resources of the Borough and the orderly administration of this chapter are unduly burdened by multiple and conflicting applications. An applicant may not submit multiple applications for approval of a subdivision or land development plan for the same property or any portion thereof. If an applicant desires to submit a new application, the applicant must withdraw in writing any pending application. In the event the applicant fails or refuses to withdraw a pending application, the Borough Council may deny the new application for the same tract or portion thereof due to noncompliance with this section.

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 articles VI, VII and VIII of this chapter.

§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. The size and print area shall meet the requirements of the Recorder of Deeds including, but not limited to, margins.
- (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 zoning district and zoning requirements, including lot size, density, coverage and setback requirements of Chapter 380, Zoning.
- (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 or document 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.

C. Existing features:

- (1) The names of all immediately adjacent landowners and the names and plan recording references of all previously recorded plans for the subject tract and 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, 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 Borough's 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 locations, size and material of sanitary sewer lines, with locations of existing and proposed laterals.
- (23) The 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 Chapter 315, Stormwater Management.
- (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 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 Commission, 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 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 Borough Council with reasonable notice of delays in the filing of final plans.

F. The following certificates shall be shown on the plan (See Appendix C):

- (1) Certificate for approval by 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 Lancaster County Wide Communications 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 included with the application. 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 §325-4.03 of this chapter.
- B. Location and identification. The same standards shall be required for a final plan as specified for a preliminary plan in §325-4.03 of this chapter.
- C. Existing features. The same information shall be required for a final plan as specified for a preliminary plan in §325-4.03 of this chapter.
- 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, 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 Borough's 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 Chapter 315, Stormwater Management.
 - (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 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 Commission, 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 (see Appendices 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 for approval by Borough Council.
 - (5) Certificate of review to be signed by the County Planning Commission.
 - (6) Note to be placed on the plan indicating any area that is not to be offered for dedication.
 - (7) 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) When connection to public water and/or sewer facilities is proposed, assurance of the availability of such service must be presented to the Borough. 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.
 - (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) Whenever a subdivider proposes to establish a street which is not offered for dedication to the Borough, 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.
 - (9) 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.

- (10) Notice from Lancaster County-Wide Communications stating that the proposed street names are acceptable.
 - (11) Provide those reports required in §325-4.03.G 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 §325-8.01.
 - (12) 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 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 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 Conservation District 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 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 COMPLETION OF IMPROVEMENTS; GUARANTEES.

- A. No plan shall be finally approved unless the streets shown on such plan have been improved as may be required by this chapter and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains, stormwater management facilities or other improvements, as may be required by this chapter, have been installed in accordance with this chapter, except that the surface course of streets shall not be completed until such time as 90% of the lots in the subdivision or land development have been improved by the construction of a dwelling if approved for residential development or by the construction of the proposed commercial or industrial structures if the lots are approved for such uses. In lieu of completion of the surface course of streets, as well as in lieu of completion of other improvements required as a condition for final plan approval of a plan, at the discretion of the developer, such developer may deposit with the Borough, as applicable, a letter of credit or other financial security authorized by the MPC and acceptable to Council in an amount equal to 110% of the estimated cost of the required improvements at a time 90 days following the date scheduled for completion of the respective improvements by the developer. The estimated cost of the surface course shall be computed separately from the estimated cost of completing the other improvements and shall be based upon the developer's projected timetable for completion of the development.
- B. The amount of financial security shall be determined and annually adjusted in accordance with all applicable requirements of the MPC. The form of the financial security shall comply with the MPC and be acceptable to the Borough Solicitor.
- C. Where public water service is proposed by a plan, the developer shall post financial security with the City. No plan shall be released for recording until the City has confirmed receipt of the financial security required under applicable statutes and regulations.
- D. The Borough shall process requests for reduction of financial security in accordance with MPC requirements.
- E. The value of the work completed shall be determined by subtracting 110% of the estimated cost of the completion of the remaining uncompleted work from the total amount of security deposited.
- F. At such time as 90% of the lots in the subdivision have been improved as set forth above or, if at the expiration of three years from the date all of the improvements excepting the surface course have been completed, less than 90% of the lots have been so improved, the Borough may notify the developer to complete the surface course within 60 days from the date of such notice. In computing the sixty-day requirement, the period from October 1 to April 1 may not be counted.
- G. If at the time the surface course is completed, 90% of the lots are not improved as set forth above, the developer must:

- (1) Post with the Borough financial security in an amount equal to 15% of the reasonable cost of the surface course as security to guarantee that damages to the road or street would not occur during the completion of the improvements on the unimproved lots in such developer's subdivision or land development. The Borough shall hold such financial security and utilize it to pay for the repair of any damage occurring to the road during the period between the commencement of improvements on any particular unimproved lot and the completion of such improvements irrespective of whether or not it can be established that the damage to the road was caused by contractors or other persons working in and about the construction of such improvements; or
- (2) Present to the Borough agreements signed by the owners of all of such unimproved lots pursuant to which they will agree to pay to the Borough the cost of repairing any damage occurring to roads in such subdivision during the period between the commencement of work on the improvements to their lot and the completion of such improvements irrespective of whether or not it can be established that such damage was caused by contractors or other persons involved in the improvement of their respective lot.

325.5.02 RELEASE FROM FINANCIAL SECURITY..

- A. The Borough shall process requests for release of financial security in accordance with the MPC.
- B. Improvements shall not be considered completed unless the developer can demonstrate compliance with the requirements of this chapter, Chapter 315, Stormwater Management, Chapter 320, Streets and Sidewalks, and all other applicable ordinances, statutes and regulations. Improvements shall also not be considered complete until as-built plans of all improvements to be dedicated to the Borough and of all streets, whether or not such streets shall be dedicated, have been submitted to the Borough, as applicable.

§325.5.03 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS.

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

§325-5.04 INSPECTION DURING CONSTRUCTION.

- A. Inspections required. 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 financial security and escrow amounts 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 Chapter 315, Stormwater Management.

§325-5.06 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 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. The Borough is not obligated to accept any dedicated improvements.
- B. Where Borough Council accepts dedication of all or some of the required improvements following completion, 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.

ARTICLE VI

DESIGN STANDARDS

§325-6.01 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, Chapter 380, Zoning, Chapter 315, Stormwater Management, regulations of the provider of water and regulations of PennDOT and DEP, as applicable.
 - (2) Land shall be developed in conformance with the Comprehensive Plan, Chapter 315, Stormwater Management, 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:
 - (n) Such existing improvements were installed in conformance with a previously approved subdivision and/or land development plan and are functioning properly; or
 - (o) 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, 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.

§326-6.02 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.
- E. Land subject to flooding, wetlands, or other land which is unsuitable for development shall not be separately subdivided from a tract unless such land shall be designed as a recreation area, nature preserve, common open space or other use which will not lead to development of the area in a manner prohibited by any applicable regulations. Such land may be included within the limits of lots that contain sufficient buildable area in accordance with the requirements of applicable standards as yard area, landscaping, and other areas which shall not be improved with structures or impervious surfaces.
- F. Future rights-of-way (i.e., rights-of-way reserved for future street improvements) shall be designed in conformance with the design requirements of a street, and the contiguous parcels must contain proper setbacks and sight distances. The area within the future right-of-way shall be included within the deeds to the abutting lots with an easement in favor of the Borough and landowners of the land into which the future right-of-way will extend to permit the use of the future right-of-way for public street purposes should the adjoining lands be developed. The landowners of the lots in which the future right-of-way is included shall have the duty to maintain the area included within the future right-of-way, and this

duty shall be indicated in a note on the final plan and in all deeds to such lots. The landowners of the lots in which the future right-of-way is included shall have no obligation concerning the improvement of such future right-of-way for street purposes.

G. Compliance with zoning decisions required.

- (1) Whenever Chapter 380, Zoning, provides that the use proposed by the applicant for subdivision or land development approval shall constitute a use by special exception or conditional use, the applicant shall obtain such special exception or conditional use approval from the Zoning Hearing Board or Borough Council, as applicable, prior to the submission of the preliminary plan or, if no preliminary plan is required, prior to the submission of a final plan; however, a developer may submit an informal sketch plan for comment by Borough staff, consultants, and the Borough Planning Commission concurrently with an application for special exceptional or conditional use approval.
- (2) Whenever the applicant proposes to develop a subdivision and/or land development in a manner that would require a variance from any requirements of Chapter 380, Zoning, the applicant shall obtain such variance from the Zoning Hearing Board prior to the submission of the preliminary plan or, if no preliminary plan is required, prior to the submission of a final plan; however, a developer may submit an informal sketch plan for comment by Borough staff, consultants, and the Borough Planning Commission concurrently with an application for variance approval.
- (3) The subdivision and/or land development plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such variance, special exception or conditional use by the Zoning Hearing Board or Borough Council, as applicable.

§325-6.03 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 Borough Council.

§325-6.04 LOTS.

- A. Lots shall conform to Chapter 380, Zoning.
- B. All lots shall abut on a public street or shall abut 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.

§325-6.05 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 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.

§325-6.06 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.

§325-6.07 STREETS.

All new, extended or improved streets, alleys and driveways shall be designed and constructed in accordance with all requirements of this chapter and Chapter 320, Streets and Sidewalks.

§325-06.08 CURBS, SIDEWALKS AND TRAILS.

- A. All curbs and all sidewalks 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.
- 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 Chapter 320, Streets and Sidewalks.
- 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) 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) The applicant shall provide a plan note referencing maintenance responsibility of the pedestrian trail.
- (6) Pedestrian trails shall connect to an access point.

§325-6.09 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.

§325-6.10 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.
- C. The design and installation of such system shall be subject to the City 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.

- (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.

§325-6.11 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 chapter.

§325-06.12 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.

§325-6.13 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 narrower, and other locations as required by the Borough.
- C. In areas where streetlights are required, they shall result in a minimum lighting level of one footcandle along the street.
- D. Streetlights 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 Borough Council. New streetlights may be required to follow a historic style of design with a dark color pole, or to be consistent with existing streetlights in the vicinity.

§325-6.14 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.

§325-6.15 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.

§325-6.16 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.

§325-6.17 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.
- 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 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 in accordance with the MPC. 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.
- (32) Lands under overhead electric transmission lines shall not count towards recreation lands.
- (33) 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.
- (34) 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.
- (35) 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.

- (36) 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. 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 MPC, 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. § 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 MPC Article VII 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 MPC.
- (8) Alternatives. As a modification to the requirements of this chapter, 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.

§325-6.18 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 VII

MOBILE HOME PARKS

§325-7.01. PROCESSING PROCEDURES.

Mobile home park plans shall be processed in accordance with the procedures set forth in Articles III and V of this chapter and Chapter 380, Zoning. Mobile home park plans shall comply with the requirements of Article IV of this chapter.

§325-7.02 WATER SUPPLY; SEWAGE DISPOSAL.

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

§325-7.03 STREETS, CURBS AND SIDEWALKS.

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

§325-7.04 LOT SIZE AND/OR DENSITY.

Lot size and density shall comply with Chapter 380, Zoning.

§325-7.05 STORM DRAINAGE; EROSION AND SEDIMENTATION; FLOODPLAIN CONTROLS.

All mobile home parks shall conform to the requirements of Chapter 315, Stormwater Management, with respect to stormwater drainage, erosion and sedimentation and floodplain controls.

§325-7.06 LIGHTING.

All streets, alleys and parking lots shall be lighted to provide an average minimum two footcandle level of illumination at an elevation of three feet above the grade for the safe movement of pedestrians and vehicles at night. All lighting shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way. Lighting shall comply with Chapter 380, Zoning.

§325-7.07 LANDSCAPING.

Landscaping shall comply with Chapter 380, Zoning.

§325-7.08 SOLID WASTE DISPOSAL.

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

ARTICLE VIII

STUDIES

§325-08.01 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 or not required.
- 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:
 - (37) A residential subdivision or land development of 30 or more or more dwelling units.
 - (38) A non-residential land development of 30,000 square feet or more of total building floor area.
 - (39) 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.
- (40) 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.
- (41) 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.

(42) 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.

(43) 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
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. 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.
- I. In granting modifications, Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.
- J. 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 Borough Council and the action noted in the minutes of the meeting.

§325-9.02 AMENDMENTS.

Borough Council 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 FEES.

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

§325-9.06 CHALLENGES AND APPEALS.

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

Section 2. The Code of Ordinances of the Borough of Millersville, Chapter 325, Subdivision and Land Development, Appendices A through S, shall remain in full force and effect except as amended by this Section:

- A. Appendix K, Street Construction Details, shall be deleted.
- B. Appendix L, Curb and Street Standards shall be deleted.
- C. Appendix M, Sidewalk and Curb Layout at a Curb Intersection shall be deleted.
- D. Appendix S, Extenders Agreement for Extension of Water Mains in Millersville Borough shall be deleted.

Section 3. All other sections, parts and provisions of the Code of Ordinances of the Borough of Millersville shall remain in full force and effect as previously enacted and amended.

Section 4. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 5. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this _____ day of _____, 2025, by Borough Council of the Borough of Millersville, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF MILLERSVILLE
Lancaster County, Pennsylvania

Attest: _____
(Assistant) Secretary

By: _____
(Vice) President
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this _____ day of _____, 2025.

By: _____
Mayor