

**SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE
No. 1159**

**BOROUGH OF WAYNESBORO
Franklin County, Pennsylvania**



Adopted May 3, 2017

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ARTICLE I

AUTHORITY, PURPOSE, OBJECTIVES, EXTENT AND JURISDICTION

I-1 AUTHORITY AND TITLE

This Ordinance is enacted pursuant to the Pennsylvania Municipalities Planning Code and may be cited as the Waynesboro Subdivision and Land Development Ordinance.

I-2 PURPOSE

This Ordinance is adopted for the following purposes:

- I-2-1 To regulate certain subdivision and land development activities within the Borough by providing for a uniform method for the submission of sketch, preliminary and final plats.
- I-2-2 To assure the proper layout or arrangement of land and space.
- I-2-3 To require proper design of streets to accommodate projected traffic and facilitate fire protection.
- I-2-4 To provide adequate facilities and easements or rights-of-way for drainage and utilities.
- I-2-5 To make adequate provisions for curbs, storm drainage facilities, sidewalks, sanitary sewers, water supply and other required public facilities.

I-3 OBJECTIVES

The subdivision and land development regulations set forth in this ordinance are made in accordance with the Comprehensive Plan of the Borough of Waynesboro and are intended to achieve the following goals:

- I-3-1 To promote, protect and facilitate one (1) or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, the provision of adequate lighting and air, vehicle parking and loading space, transportation, water supply, sewage, public grounds and other public requirements.
- I-3-2 To prevent one (1) or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, panic or other dangers.
- I-3-3 To assist orderly, efficient and integrated development of land, to provide for the coordination of existing streets and public utilities with new facilities; to provide for efficient and orderly extension of community services and facilities at minimum cost and maximum convenience; to ensure conformance of land utilization with the Borough Comprehensive Plan; and to secure equitable handling of all subdivision and land

development plans by providing uniform procedures and standards for observance by subdividers and the Borough.

I-4 EXTENT OF REGULATIONS

Within the corporate limits of the Borough of Waynesboro, no subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of the Ordinance.

No lot in a subdivision may be sold, no permit to erect, alter or repair any building upon land in a subdivision or land development may be issued, and no building may be erected upon land in a subdivision or land development unless and until a plan of such subdivision or land development shall have been approved and properly recorded with the Franklin County, Pennsylvania, Recorder of Deeds.

Individual lots not meeting the definition of Land Development nor Subdivision are not subject to the provisions of this Ordinance.

I-5 JURISDICTION

This Ordinance shall apply in the following circumstances:

- I-5-1 To all subdivision and land development plans submitted after the effective date of this Ordinance.
- I-5-2 In the case of Planned Residential Developments (PRDs), the development regulations, standards, principles and procedures specified in the Waynesboro Zoning Ordinance, this Ordinance and the Pennsylvania Municipalities Planning Code shall govern. PRDs shall be subject to the plan requirements, completion and guaranteeing of improvements requirements, design standards and required improvements of this Ordinance.
- I-5-3 Any replatting or resubdivision of land, including a change of a recorded plan, shall comply with the provisions of this Ordinance.
- I-5-4 The granting of a conditional use approval, variance, or special exception for a proposed project, and the submission of a site plan pursuant to the Borough Zoning Ordinance, shall not exempt an applicant from the requirement to submit a subdivision or land development plan pursuant to this Ordinance.

ARTICLE II

DEFINITIONS

II-1 WORD USAGE

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:

II-1-1 Words in the singular include the plural and those in the plural include the singular.

II-1-2 Words in the present tense include the future tense.

II-1-3 The words "applicant", "person", "developer", "subdivider", and "owner" include a corporation, unincorporated association, a partnership, or other legal entity, as well as an individual.

II-1-4 The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof".

II-1-5 The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

II-1-6 The word "Borough" means the Borough of Waynesboro, Franklin County, Pennsylvania.

II-1-7 The term of "Borough Council" means the Borough Council of the Borough of Waynesboro.

II-1-8 The terms "Planning Commission" and "Borough Planning Commission" mean the Planning Commission of the Borough of Waynesboro.

II-2 TERMS DEFINED

Other terms or words used herein shall be interpreted or defined as follows:

ACCESS DRIVE - A drive providing vehicular access between a public or private street and a building, parking area and/or loading area within a land development.

ALLEY – Alleys are minor ways which afford only a secondary means of access to abutting properties, which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street, have a maximum width of 20 feet and are not intended for general traffic circulation. To the extent a public thoroughway conforms to this definition or otherwise does not conform to the definition of "street" as herein defined, those public thoroughways are alleys. A list of ordained streets shall be maintained by the Borough; said list is herein incorporated by reference.

APPLICANT – A landowner or developer, as herein after defined, who has filed an application for development including his heirs, successors and assigns.

BLOCK – Property bounded on one side by a street, and other three sides, by a street, railroad right-of-way, waterway, unsubdivided area, or other definite barrier.

BOROUGH – The Borough of Waynesboro, Franklin County, Pennsylvania.

BOROUGH AUTHORITY – The Borough Authority of the Borough of Waynesboro, Franklin County, Pennsylvania.

BOROUGH COUNCIL – The governing body of the Borough of Waynesboro, Franklin County, Pennsylvania.

BOROUGH ENGINEER – A person duly appointed as the Borough Engineer.

BOROUGH PLANNING COMMISSION – The Planning Commission of the Borough of Waynesboro, Franklin County, Pennsylvania.

BUFFER STRIP – A continuous strip of land which is clear of all buildings and paved areas and which is designed to limit the impacts of one use on another use.

BUILDING – Any structure having a roof supported by columns, posts, or walls and intended for the shelter, housing or enclosing of persons, animals or property.

BUILDING, ACCESSORY – An attached or detached subordinate building, the use of which is incidental to that of the principal building on the same lot.

BUILDING PRINCIPAL – A building in which a principal use on a lot is conducted.

BUILDING SETBACK LINE – A line which, between it and the street line, no building or other structure or portion thereof, except as provided in the Borough Zoning Ordinance, may be erected above ground level. The setback line is considered to be a vertical surface intersecting the ground on such line.

CARTWAY (ROADWAY) – The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision for purposes of vehicular safety at a street intersection(s), defined by lines of sight between points as specified in Borough Ordinances.

CODES ADMINISTRATOR – Zoning Officer of the Borough of Waynesboro.

COMMON OPEN SPACE – A parcel or parcels of land, an area of water, or a combination of land and water within a development site designed and intended for the use of all residents of the development.

COMPREHENSIVE PLAN – The Joint Comprehensive Plan for the Borough of Waynesboro and Washington Township, Franklin County, Pennsylvania.

COUNCIL – Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania.

COUNTY – Franklin County, Pennsylvania.

COUNTY PLANNING COMMISSION – The Planning Commission of Franklin County, Pennsylvania.

CUT – An excavation. The difference between a point of the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

DESIGNATED BOROUGH OFFICIAL – The Borough official charged by the Borough Council with the responsibility of administering the subdivision application submission procedure.

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.

DEVELOPMENT PLAN – The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this ordinance shall mean the written and graphic materials referred to in this definition.

DRAINAGE RIGHTS-OF-WAY – The lands required for the installation of storm water sewers or drainage swales or required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DWELLING UNIT – A building, or part thereof, having cooking, sleeping and sanitary facilities for one family, and having no cooking, sleeping or sanitary facilities in common with any other dwelling unit.

EASEMENT – A right granted to the Borough, other governmental authority or other entity for the use of private land for certain public and quasi-public purposes.

ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania.

EROSION – The removal of surface materials by the action of natural elements.

EXCAVATION – Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

FILL – Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

FLOODPLAIN – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPLAIN MANAGEMENT ORDINANCE – The ordinance in effect in the Borough which controls any and all development within specified flood prone areas.

GOVERNING BODY – The Borough Council of Waynesboro Borough.

HEAD OF BOROUGH ENGINEERING SERVICES – A person duly appointed as the Head of Borough Engineering Services for Waynesboro Borough.

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

IMPROVEMENTS AGREEMENT – An agreement between the Borough of Waynesboro and an applicant which provides for an improvements guarantee for the completion of improvements within the subdivision or land development, establishes responsibilities of the Borough and applicant regarding the completion and observation or improvements, and specifies such other items regarding improvements which are agreed to between the Borough and the applicant.

IMPROVED STREET – A street, public or private, constructed in accordance with the requirements of this Ordinance.

LAND DEVELOPMENT – Any of the following activities:

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

(iii) Whenever required by other Borough ordinances or regulations.

(2) A subdivision of land.

The following are excluded from the definition of land development:

- (1) The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
- (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

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

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

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.

LOT AREA – The area contained within the property lines of a lot but shall not include any portion of a street and permanent drainage easements.

LOT, FLAG – A flag lot is an interior, unconventional lot which has direct access to a public or private street by way of a minimum thirty-foot-wide simple access strip.

LOT COVERAGE – That percentage of the lot area which may be covered by impervious surfaces.

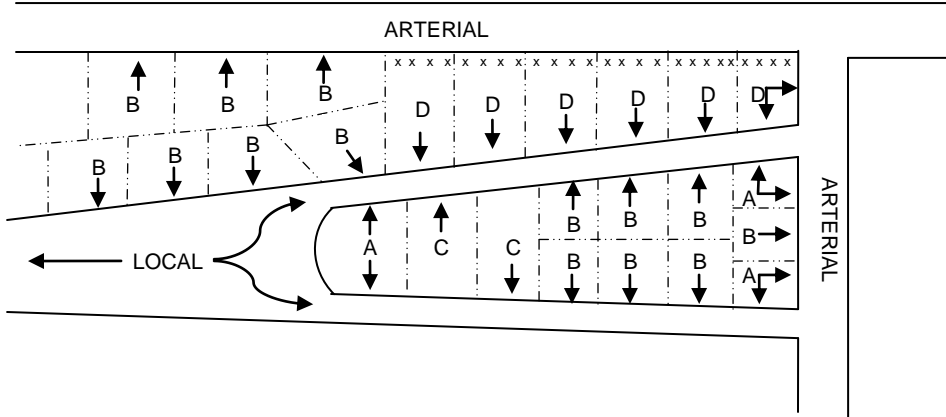
LOT DEPTH – The horizontal distance between the front and rear lot lines, measured from the midpoint of the front lot line to the rear lot line on a perpendicular to the street right-of-way line.

LOT FRONTAGE – The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage; and yards shall be provided as indicated under YARDS in this section.

LOT LINE – Any line forming a portion of the exterior boundary of a lot.

LOT WIDTH – The horizontal distance between the side lot lines measured along the front setback line or other designated building line.

LOT TYPES – The diagram which follows illustrates terminology used in this ordinance with reference to corner lots, interior lots, reversed frontage lots and through lots.



CORNER LOT – Is indicated by letter A in diagram and is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

INTERIOR LOT – Is indicated by letter B in diagram and is defined as a lot other than a corner lot with only one frontage on a street other than an alley.

THROUGH LOT – Is indicated by letter C in diagram and is defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.

REVERSED FRONTAGE LOT – Is indicated by letter D in diagram and is defined as a lot that has frontage on two streets of different classification with access to the higher order street prohibited and the structure oriented to face the lower order street.

MAILED NOTICE – Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MAINTENANCE GUARANTEE – Any security which may be accepted by the Borough Council to secure structural integrity of improvements as well as the functioning of the improvements in accordance with the approved plan for a period of up to eighteen (18) months after completion of construction and installation, including corporate bonds, escrow agreements and other similar collateral or surety agreements.

MARKER – A metal pipe or pin of at least one (1) inch outside diameter and at least thirty (30) inches in length.

MEDIATION – A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MOBILE HOME – A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT – A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK – A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MONUMENT – A stone or concrete monument with a flat top at least four (4) inches in diameter or square. (It is recommended that the bottom sides or radius be at least two (2) inches greater than the top to minimize movements caused by frost. The monument should contain a steel dowel and be at least thirty (30) inches in length.)

MUNICIPALITY – The Borough of Waynesboro, Franklin County, Pennsylvania.

OFFICIAL MAP – A map adopted by ordinance by the Borough Council pursuant to Article IV of the Municipalities Planning Code.

OPEN SPACE – A parcel or parcels of land or area of land or water or a combination of land and water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

PERFORMANCE GUARANTEE – Any security which may be accepted by the Borough Council to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of the plat, including corporate bonds, escrow agreements, and other similar collateral and surety agreements.

PLANNED RESIDENTIAL DEVELOPMENT – An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the Borough Zoning Ordinance.

PLANNING AGENCY OR PLANNING COMMISSION – The Waynesboro Borough Planning Commission, County Planning Agency or Commission shall be the Franklin County Planning Commission.

PLAT, FINAL – A complete and exact plan of a subdivision or land development, with professional engineer's or registered surveyor's seal affixed and prepared for official recording as required by this Ordinance to define property rights, streets and other proposed improvements.

PLAT, PRELIMINARY – A tentative plan of subdivision or land development, in lesser detail than a final plat showing proposed streets and lot layout and such other information as required by this Ordinance.

PLAT, RECORD – The copy of the final plan which contains the original endorsements of the County Planning Commission and the Borough Council and which is intended to be recorded with the County Recorder of Deeds.

PLAT, SKETCH – An informal plan, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development to be used as a basis for consideration by the Borough.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC NOTICE – Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough, such notice stating the time and place of the hearing and the particular nature of the matter to be considered. The first publication shall be not more than thirty days and the second publication shall not be less than seven days from the date of the hearing.

RESUBDIVISION – Any replatting or resubdivision of land, limited to changes in lot lines on approved final or recorded plats, as specified in this Ordinance. Other replattings shall be considered as constituting a new subdivision of land. (See also Subdivision)

RIGHT-OF-WAY – The land and space required on the surface, subsurface, and overhead for the construction and installation of materials, necessary to provide passageway for vehicular traffic, pedestrian ways, utility lines, poles, conduits, and mains, signs, hydrants, trees and shrubbery and the proper amount of light and air.

SANITARY SEWAGE DISPOSAL, PUBLIC – A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally serving a major portion of a municipality or municipalities, and operated by a governmental agency, governmental authority, or public utility company.

SEDIMENTATION – The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".

SIGHT DISTANCE – The required length of roadway visible to the driver of a motor vehicle at any given point of the roadway when the view is unobstructed by traffic. Sight distance measurements shall assume the height of the driver's eye to be 3.75 feet above the roadway and the height of the object to be 0.5 feet.

SLOPE – The face of any embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOIL STABILIZATION – Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

STREET – A strip of land, including the entire right-of-way (i.e., not limited to the cartway), either public or private, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot or one dwelling unit. A throughway, which has not been ordained as a street by the Borough, is an alley. An alley shall not be considered as a street. A list of ordained streets shall be maintained by the Borough; said list is herein incorporated by reference.

- (1) Major Arterial Street - Designed for large volumes and high speed traffic with access to abutting properties restricted.
- (2) Minor Arterial Street - Designed to carry a moderate volume of fast moving traffic from collector and local streets to major arterial streets.
- (3) Collector Street - Designed to carry a moderate volume of traffic to intercept local (residential) streets, to provide routes to minor arterial streets and to community facilities and to provide access to the abutting properties.
- (4) Local Street - Designed to provide access to the abutting properties and a route to collector routes.
- (5) Marginal Access Street - Is a local street which is parallel to and adjacent to an expressway, major arterial street or minor arterial street, and which provides access to abutting properties and protection from through traffic.
- (6) Cul-De-Sac Street - A local street intersecting another street at one end, and terminating in a vehicular turn-around at the other.

STREET CENTERLINE – The center of the surveyed street right-of-way, or where not surveyed, the center of the traveled cartway.

STREET, PRIVATE – A street which has not been dedicated to the Borough or the Commonwealth of Pennsylvania.

STREET, PUBLIC – Any street belonging to and/or accepted by the Borough or Commonwealth of Pennsylvania for which the Borough or Commonwealth of Pennsylvania is responsible for maintenance and improvements.

STREET, SINGLE ACCESS – A street designed so that no section of it will convey a traffic volume greater than 500 Average Daily Trips (ADT), based on the Trip Generation standards of the Institute of Transportation Engineers.

STREET LINE – The dividing line between a lot and the outside boundary of a public street, road, or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or a land development plan, or between a lot and a private street, road, or way over which the owners or tenants of one or more lots held in single and separate ownership have a right-of-way.

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

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 line for 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 ten (10) acres, not involving any new street or easement of access, shall be exempted.

Minor Subdivision

- (1) Any subdivision containing not more than three lots with frontage on an existing street, not involving any new street or road and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the comprehensive plan, official map, zoning ordinance, or this ordinance.
- (2) The combination or recombination of previously platted lots on an existing street where the total number of lots is not increased and the resultant lots comply with the Waynesboro Zoning Ordinance.
- (3) The division of any tract of land in one undivided ownership into two parcels for the purpose of transfer of ownership, where the area conveyed is less than 6,000 square feet and where both result in a combination of lots that comply with the Waynesboro Zoning Ordinance.

Major Subdivision

- (1) Any subdivision which is not a minor subdivision. Any proposed subdivision shall be classified as a major subdivision if it represents a further subdivision of an original tract of land for which previous minor subdivisions have been approved by the Borough Council and the combination of the proposed and approved minor subdivision constitute a major subdivision and further any subdivisions not meeting the definition of “minor subdivision” supra. The Original tract of land shall be considered any tract in existence at the time of the adoption of this ordinance.

SUBSTANTIALLY COMPLETED – Where, in the judgment of the Head of Borough Engineering Services, at least 90% of those improvements required as a condition for final approval and for which financial security was posted have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR – A registered land surveyor licensed as such by the Commonwealth of Pennsylvania.

SWALE – A low lying stretch of land which gathers or carries surface water runoff.

TOPSOIL – Surface soils and subsurface soils which presumably are fertile soils and soils material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the upper-most soil layer called the A Horizon.

WATERCOURSE – A permanent stream; intermittent stream; river; brook, creek, channel or ditch for water whether natural or man-made.

WATER SUPPLY AND DISTRIBUTION SYSTEM, PUBLIC – A system for supplying and distributing water from a common source to dwellings and other buildings, generally serving a major portion of a municipality or municipalities, and operated by a governmental agency, governmental authority, or public utility company.

YARD – The open space on the same lot with a building or structure. The space shall be open and unobstructed from the ground upward, except as otherwise provide in this Ordinance, and not less in depth or width than the minimum required by this Zoning Ordinance.

YARD, FRONT – An open space between an adjacent street right-of-way and buildings on the lot extending for the full width of the lot.

YARD, REAR – An open space between the rear lot line and buildings on a lot and extending for the full width of the lot.

YARD, SIDE – An open space between the side lot line and buildings on a lot and extending from the front yard to the rear yard.

ARTICLE III

SKETCH PLAT SUBMISSION, REVIEW AND REQUIREMENTS

III-1 SKETCH PLAT SUBMISSION

III-1-1 Sketch plat maps and materials are encouraged to be submitted to the Head of Borough Engineering Services for all proposed subdivisions and land developments, for purposes of informal discussion between the Borough Planning Commission and the Developer.

Submission of a sketch plat is optional, and such submission shall not constitute official submission of a plan to the Borough.

III-1-2 Fifteen (15) copies of a completed sketch plat should be submitted.

III-2 SKETCH PLAT REVIEW

III-2-1 Within thirty (30) days of receipt, the sketch plat maps and materials will be submitted by the Head of Borough Engineering Services to the Borough Planning Commission, which will discuss the sketch plat at the next regular meeting, provided that submission to the Head of Borough Engineering Services occurs no less than thirty (30) days prior to such scheduled meeting.

III-2-2 The Borough Planning Commission will review the sketch plat to determine the development assets and limitations of the site, and the general development concepts of the plat. The Planning Commission may indicate other comments regarding the sketch plat.

III-2-3 Within sixty (60) days of submission of the sketch plat to the Borough Planning Commission, the Commission may make recommendations to the developer which it deems necessary or advisable in the public interest in order to provide an acceptable subdivision or land development plan for the site.

III-2-4 Within fifteen (15) days after the meeting, at which sketch plat was discussed, the Borough Planning Commission or Head of Borough Engineering Services may send written notice of the Commission's comments and recommendations to the Borough Council and the developer or his designated agent.

III-3 SKETCH PLAT REQUIREMENTS

The sketch plat shall be based on tax map information or some other similarly accurate base at a scale preferably not less than 100 feet to the inch to enable the entire tract to be shown on one sheet and shall show or include the following information.

III-3-1 Tract boundaries - The location of that portion which is to be subdivided or developed in relation to the entire tract.

- III-3-2 All existing structures, wooded areas, watercourses, floodplains, wetlands, and other significant natural features within the portion to be subdivided or developed and within 200 feet thereof.
- III-3-3 The name of the owner and all adjoining property owners as disclosed by the most recent municipal tax records.
- III-3-4 All streets or roads proposed, mapped or built within 500 feet of the subdivision or development.
- III-3-5 The proposed patterns of land use, street layout, schematic lotting arrangements and proposed lot sizes within the subdivided plat.
- III-3-6 General topography of the area to be subdivided and the surrounding area within 200 feet of the proposed subdivision or development based on United States Geological Survey, superimposed on the sketch plat.
- III-3-7 In case of a land development, the proposed building, access drive, parking, loading and recreation layout.

ARTICLE IV

PRELIMINARY PLAT SUBMISSION, REVIEW AND REQUIREMENTS

IV-1 PRELIMINARY PLAT SUBMISSION

- IV-1-1 Preliminary Plats, and all required supplementary data, for all proposed subdivisions and land developments shall be submitted to the Head of Borough Engineering Services.
- IV-1-2 Official submission of a preliminary plat to the Head of Borough Engineering Services shall comprise submitting the following information no less than thirty (30) days prior to a regularly scheduled Planning Commission meeting:
 - (1) Submission of one (1) copy of a completed preliminary subdivision or land development application, and the appropriate submission fee.
 - (2) Submission of fifteen (15) paper prints of the preliminary plat, which shall fully comply with provisions of this ordinance as set forth in Section IV-3.
 - (3) Submission of three (3) copies of all required supplemental information as set forth in Section IV-3.
 - (4) The Head of Borough Engineering Services shall retain one (1) copy of the application, one (1) plat print and one (1) copy of the supplemental information. He shall then submit one (1) copy of the application, four (4) plat prints and one (1) copy of the supplemental information to the Franklin County Planning

Commission; and one (1) copy of the application, one (1) plat print and one (1) copy of the supplemental information to each of the members of the Borough Planning Commission, each Councilman, the Zoning Enforcement Officer and the Borough Solicitor for recommendations as to changes, alterations and modifications.

- (5) Additional prints of the preliminary plat shall be submitted to the respective agencies in each of the following circumstances:
 - A. Whenever the property being subdivided or developed abuts a State Legislative Route, one (1) print of the preliminary plat shall be submitted to the Pennsylvania Department of Transportation.
 - B. Whenever a proposed subdivision or land development is located in more than one municipality or located adjacent to another municipality, one (1) print of the preliminary plat shall be submitted for each municipality.
 - C. Whenever required, one (1) print shall be submitted to utility companies, Soil Conservation District and/or Pennsylvania Department of Environmental Protection.

IV-2 PRELIMINARY PLAT REVIEW

IV-2-1 Review of the preliminary plat by the County Planning Commission shall proceed as follows:

- (1) Within thirty (30) days of the date of forwarding of the plat to the County, the County Planning Commission shall review the preliminary plat and shall recommend such written changes and modifications as it may deem necessary or advisable in the public interest to the Head of Borough Engineering Services, Borough Planning Commission and the developer's engineer, surveyor, landscape architect, or planner.
- (2) Review of the preliminary subdivision or land development plat by the County Planning Commission shall constitute County Planning Review as set forth in Section 502, Pennsylvania Municipalities Planning Code.

IV-2-2 Review of the preliminary plat shall proceed as follows:

- (1) When a preliminary plat has been officially submitted to the Head of Borough Engineering Services, such plat will be placed on the agenda of the Planning Commission for review at its next regular monthly meeting, provided that such official submission has occurred no less than thirty (30) calendar days prior to such regular meeting. The Planning Commission may hold a public hearing on the preliminary plat pursuant to public notice.
- (2) The Borough Planning Commission shall review the preliminary plat at one or more regularly scheduled or special meetings.

- (3) During review of the preliminary plat, the Planning Commission shall consider the report of the Head of Borough Engineering Services, the Borough Zoning Officer and the County Planning Commission when making its recommendation.
- (4) Within fifteen (15) days after the meeting(s) at which the preliminary plat is last reviewed by the Planning Commission, the recommendation of the Planning Commission regarding the Plat shall be forwarded to the developer or his agent, the Borough Council, the Head of Borough Engineering Services and County Planning Commission.
- (5) The Planning Commission shall recommend to Borough Council in writing that the preliminary plat be approved, conditionally approved or disapproved. The findings and reasons upon which action is based shall be included in the written recommendations.
- (6) No official action shall be taken by the Borough Council with respect to a preliminary plat until the Borough has received the written report of the County Planning Commission, provided the report is received within thirty (30) days from the date the preliminary plat was forwarded to the County Planning Commission for review.
- (7) Before acting on a preliminary plat, the Borough Council may hold a public hearing thereon after public notice.
- (8) The decision of the Borough Council regarding the preliminary plat shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
- (9) The Borough Council shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Borough Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed. The applicant may grant an extension of time to the Borough.

Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.
- (10) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the relevant provision.
- (11) Borough Council may approve a preliminary plat subject to conditions acceptable to the applicant, provided that the applicant indicates his written acceptance of those conditions to the Borough Council within ten (10) days of the date of the written notification from the Borough Council.

- (12) If the preliminary plat proposes a staging plan calling for the submission of the final plat in sections, the boundaries of the sections as well as the order and timing of submittal of the final plats therefor, shall be subject to the approval of Borough Council. In approving a staging plan, Borough Council, in its discretion, may:
- a. Impose conditions to the development of any single stage, phase or section which shall be complied with prior to the commencement of the next or any subsequent stage, phase or section of the subdivision or land development; and
 - b. Impose conditions which shall be met by the applicant within a time period specified by Borough Council, said time period to commence after the completion of any stage, phase or section if development of the subsequent stage, phase or section during which such conditions were to be met is not commenced within said time period, and
 - c. Impose conditions which must be met within a time period specified by Borough Council in the event of a subsequent change in the use of the buildings constructed within the subdivision or land development, and
 - d. Require any or all conditions imposed by the Borough Council to be set forth and included on the final or recorded plat pertaining to any or all stages, phases or sections of the subdivision or land development prior to the recording of any such final or recorded plat.
- (13) The approval of a preliminary plat does not authorize the recording of a subdivision or land development plat nor the sale, lease or transfer of lots, nor the construction of dwellings or other buildings.

IV-3 PRELIMINARY PLAT REQUIREMENTS

The preliminary plat of a subdivision or land development shall be at a scale of one inch equals 50 feet or larger. It shall be designed in accordance with the provisions of Article VII and in strict accord with modern and accepted planning techniques. It shall show or be accompanied by sufficient information to establish the design arrangement and dimensions of streets, lots, and other planned features as to form, size and location. This information shall form the basis of the general terms and conditions upon which any conditional approval may be granted and shall include:

IV-3-1 A key map showing the entire subdivision or land development and its relation to surrounding areas and streets.

IV-3-2 The tract name, plat status, date, graphic and written scales, north point and the following names and facts:

- (1) Certification that the applicant is the owner of the land or his authorized agent, giving names and addresses of both.
- (2) Name of the subdivider or developer.

- (3) Name and professional seal(s) of the person(s) who prepared the plat.
- IV-3-3 Acreage of the tract to be subdivided or developed to the nearest tenth of an acre. Zoning districts, including boundaries and applicable area, yard and height requirements and table indicating compliance with the regulations.
- IV-3-4 The names of owners of all abutting unplatted land and the names of all abutting subdivisions.
- IV-3-5 Contours at vertical intervals of two (2) feet on land with an average natural slope of four (4) percent or less, and five (5) feet on land with an average natural slope exceeding four (4) percent. Location and elevation of datum used.
- IV-3-6 The location of existing property lines, streets, buildings, watercourses, railroads, bridges, culverts, drain pipes and any natural features such as wooded areas, alluvial soils, rock formations, wetlands, 100-year floodplains and 100-year flood elevations and slopes exceeding 10%.
- IV-3-7 A copy of any protective covenants or deed restrictions applying to the land being subdivided or developed.
- IV-3-8 A full plan of development showing location of all proposed streets, roads, alleys, utility easements, parks, playgrounds, and other public areas; suggested street names, proposed building setback lines for each street; proposed lot lines and approximate dimensions and areas of lots; lot numbers in consecutive order; and all streets and other areas designed for apartment facility, public use or proposed to be dedicated or reserved for future public use together with the conditions of such dedications or reservations.
- IV-3-9 Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross-sections of the proposed grading, roadway, curb and sidewalk; preliminary plans of proposed water lines, fire hydrants, sanitary and storm water sewers with grades and sizes indicated; storm water calculations; drainage swales with profiles and cross-sections; traffic control devices; clear sight triangles at street intersections
- IV-3-10 Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.
- IV-3-11 The preliminary plat shall be accompanied by an approved application for water and/or sewer main extensions.
- IV-3-12 Borough Council may require a Traffic Study Impact Report to be completed as per Article VII-1-18. The Traffic Study Impact Report shall be prepared by a registered professional engineer, licensed in Pennsylvania, with sufficient, documented prior traffic study experience to qualify him or her to perform the study and render any opinions and recommendations set forth therein. Any Traffic Study Impact Report submitted to the Borough shall be certified as correct by the preparer. The purpose of said Traffic Study

Impact Report is to identify traffic and transportation problems associated with the adequacy of the existing transportation network and facilities to provide access to, from and through the site in light of the character and volume of traffic expected to be generated by the proposed subdivision and/or land development. The study shall delineate solutions to such problems and include the prescription of improvements to be provided by or at the expense of the applicant.

IV-3-13 In the case of Land Development plans, the following additional information shall be shown:

- (1) The location and use of all buildings.
- (2) Location and grade of all parking areas and access drives, the size and number of parking spaces, and the width of aisles and access drives.
- (3) The location, number, and dimensions of off street loading areas.
- (4) Provisions for landscaping of the tract.
- (5) Provisions for lighting of the tract.
- (6) Provisions for traffic control.
- (7) The location of refuse collection areas.
- (8) Schematic architectural drawings of proposed buildings.

IV-3-14 In the case of a plat intended to be submitted in phases at final plat stage, a proposed phasing plan.

ARTICLE V

FINAL PLAT

SUBMISSION, REVIEW, REQUIREMENTS AND RECORDING

V-1 FINAL PLAT SUBMISSION

V-1-1 Within twelve (12) months after approval of the preliminary plat, a final subdivision or land development plat, and all required supplemental data, shall be submitted to the Head of Borough Engineering Services. An extension of time may be granted by Borough Council upon written request. Otherwise, the plat submitted may be considered as a new preliminary plat.

V-1-2 The final plat shall conform in all significant respects to the preliminary plat as previously reviewed by the Borough Council, but shall incorporate all modifications required by the Borough Council in its review of the preliminary plat. The Borough Council may, however, accept a final plat modified so as to reflect any substantial changes which have

occurred on the site of the proposed subdivision, or in its surroundings, since the time of the preliminary plat review.

- V-1-3 Copies of the final subdivision or land development plat shall be submitted to the County Planning Commission and any appropriate County and State agencies.
- V-1-4 The final plat may be submitted in sections or stages, each covering a reasonable portion of the entire proposed subdivision as shown on the reviewed preliminary plat, in accordance with regulations as set forth in Section V-3. In the case of a final subdivision or land development plat which is to be submitted in sections or stages over a period of years, the time between submission of applications for final approval of each stage or section shall be no greater than twenty-four (24) months.
- V-1-5 Official submission of a final plat to the Head of Borough Engineering Services shall comprise submitting the following information no less than thirty (30) days prior to a regularly scheduled Planning Commission meeting:
 - (1) Submission of one (1) copy of a completed final subdivision or land development plat application, and the appropriate submission fee.
 - (2) Submission of fifteen (15) paper prints of the final plat.
 - (3) Submission of six (6) copies of all required supplemental information.
 - (4) Submission of two (2) copies of all offers of dedication and covenants, governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the Borough Solicitor as to their legal sufficiency.
 - (5) The Head of Borough Engineering Services shall retain one (1) copy of the application, one (1) plat print, and one (1) copy of the supplemental information. He shall then submit one (1) copy of the application, four (4) plat prints and one (1) copy of the supplemental information to the Franklin County Planning Commission; and one (1) copy of the application, one (1) plat print and one (1) copy of the supplemental information, offers of dedication and covenants governing undedicated open space to each of the members of the Borough Planning Commission, each Councilman, the Zoning Enforcement Officer and the Borough Solicitor.
- V-1-6 Additional prints of the Final Plat shall be submitted to the respective agencies in each of the following circumstances:
 - (1) Whenever the property being subdivided or developed abuts a State Legislative Route, one (1) print of the Final Plat shall be submitted to the Pennsylvania Department of Transportation.
 - (2) Whenever a proposed subdivision or land development is located in more than one municipality or located adjacent to another municipality, one (1) print of the Final Plat shall be submitted for each municipality.

V-2 FINAL PLAT REVIEW

V-2-1 Review of Final Plat by the County Planning Commission shall proceed as follows:

- (1) Within thirty (30) days of the date of forwarding of the plat to the County, the staff of the County Planning Commission shall review the final plat and shall recommend such written changes and modifications as it may deem necessary or advisable in the public interest and send them to the Head of Borough Engineering Services, Borough Planning Commission, Borough Council, and the developer or his designated agent.

V-2-2 Review of the final plat by the Borough Planning Commission shall proceed as follows:

- (1) When a final plat has been officially submitted, it shall be placed on the agenda of the Borough Planning Commission for review at its next regular meeting, provided that such official submission to the Head of Borough Engineering Services has occurred no less than thirty (30) days prior to such regular meeting. The Planning Commission may hold a public hearing at this time if the final plat departs substantially from the preliminary plat.
- (2) The Borough Planning Commission shall review the final plat at one or more regularly scheduled or special meetings. During review of the final plat, the Planning Commission shall also consider the written report of the Head of Borough Engineering Services, Borough Zoning Officer and, if required, of the County Planning Commission.
- (3) Within fifteen (15) days after the meeting at which the final plat is last reviewed, the Planning Commission shall recommend to the Borough Council in writing that the final plat be approved, approved with conditions or disapproved. The findings and reasons upon which action is based shall be included in the written recommendation.

V-2-3 Review of the final plat by the Borough Council shall proceed as follows:

- (1) No official action shall be taken by the Borough Council with respect to the final plat until the Borough has received the written report of the County Planning Commission, provided that the report is received within thirty (30) days from the date the final plat was forwarded to the County Planning Commission for review. If such report is not received within thirty (30) days, the Borough Council may proceed to take action on the final plat without consideration of comments from the County Planning Commission.
- (2) Before acting on a final plat, the Borough Council may hold a public hearing thereon after public notice.
- (3) The Borough Council shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30)

days following the filing of the application, the said ninety day (90 day) period shall be measured from the thirtieth (30th) day following the day the application has been filed.

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

- (4) The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed by certified mail to him at his last known address not later than fifteen (15) days following the decision. If delivered personally, the applicant shall give the Borough a receipt indicating he has received the decision.
- (5) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.
- (6) A final plat shall not be recorded, nor shall any zoning or building permit be issued, until the requirements of Section V-2-4 of this Ordinance have been met.

V-2-4 Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval

- (1) No final plat shall be endorsed by the Borough Council unless an improvements agreement in a form acceptable to the Borough Council and Borough Solicitor is executed at the discretion of Borough Council. A unit breakdown of all improvements required by this Ordinance and their costs shall be included within such agreement.
- (2) No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable condition, or improved as may be required by this subdivision and land development ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this subdivision and land development ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required by the Borough, the subdivider or developer shall deposit with the Borough a financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

- (3) When requested by the developer, in order to facilitate financing, the Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Borough Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- (4) Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- (5) Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- (6) Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- (7) The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
- (8) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Head of Borough Engineering Services, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be

the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.

- (9) If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above bidding procedure.
- (10) As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough Council, and the Borough Council shall have 45 days from receipt of such request within which to allow the Head of Borough Engineering Services to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Head of Borough Engineering Services fairly representing the value of the improvements completed or, if the Borough Council fails to act within said 45-day period, the governing body shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
- (11) Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in 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 section 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 improvements.
- (12) If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

- (13) If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Borough shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings in a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question, if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

V-2-5 Release from Improvement Bond

- (1) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Head of Borough Engineering Services. The Borough Council shall, within ten days after receipt of such notice, direct and authorize the Head of Borough Engineering Services to inspect all of the aforesaid improvements. The Head of Borough Engineering Services shall, thereupon, file a report, in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Head of Borough Engineering Services of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Head of Borough Engineering Services, said report shall contain a statement of reasons for such nonapproval or rejection.
- (2) The Borough Council shall notify the developer, within 15 days of receipt of the engineer's report, in writing by certified or registered mail of the action of the Borough Council with relation thereto.
- (3) If the Borough Council or the Head of Borough Engineering Services fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- (4) If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

- (5) Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough Council or the Head of Borough Engineering Services.
- (6) Where herein reference is made to the Head of Borough Engineering Services, he shall be a duly registered professional engineer employed by the Borough or engaged as a consultant thereto.
- (7) The Borough may prescribe that the applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Head of Borough Engineering Services or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.

V-3 FINAL PLAT REQUIREMENTS

The final plat shall be drawn at a scale of not less than one inch equals 50 feet. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show or be accompanied by the following:

- V-3-1 Date (including date of all revisions), name and location of the subdivision and development. Name of owner and graphic and written scales.
- V-3-2 Tract boundary lines with bearings and distances, tract area, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lot lines and other site lines with accurate dimensions, bearings or deflection angles, radii, arcs, and central angles of all curves; lot areas; source of title to the tract.
- V-3-3 The purpose of any easement or land reserved or dedicated to public use shall be designated and the proposed use of sites other than residential shall be noted.
- V-3-4 Each block shall be numbered and the lots within each block shall be numbered consecutively beginning with number 1.
- V-3-5 Minimum building setback lines on all lots and other sites, applicable zoning district, applicable area, yard and height requirements, and table indicating compliance with zoning requirements.
- V-3-6 Location and description of all monuments and lot markers.
- V-3-7 Names of owners of adjoining land and subdivisions.
- V-3-8 Certification by registered professional engineer and/or registered surveyor as to accuracy of details of plat.

- V-3-9 Certification that the applicant is agent or owner of the land, or that the owner has given consent under an option agreement, and any offer of dedication to public use of streets, playgrounds, parks and easements all areas so shown and indicated on the plat.
- V-3-10 Plan and profiles of proposed new streets and alterations to existing streets to a scale of 1"=20' horizontal and 1"=4' vertical approved by the Head of Borough Engineering Services. Cross-sections of streets shall be provided.
- V-3-11 Contours at five (5) foot intervals for slopes averaging four (4) percent or greater and at two (2) foot intervals for land of lesser slope; datum to which contour elevations refer; and areas of slope exceeding 10%.
- V-3-12 Plan and Profiles of proposed new and alterations to existing storm sewers, sanitary sewers and water mains; fire hydrants; drainage swales, including cross-sections.
- V-3-13 A certificate by the Head of Borough Engineering Services certifying that the subdivider has complied with one of the following alternatives:
- (1) All improvements have been properly installed in accord with the requirements of these regulations and with the action of the Borough Council giving conditional approval to the preliminary plat, or
 - (2) A bond with sufficient surety or certified check has been posted, which is available to the Borough and in sufficient amount to assure completion of all required improvements.
- V-3-14 Protective covenants in form for recording.
- V-3-15 The final plat shall be accompanied by approved water and/or sewer main extension agreements.
- V-3-16 Construction details of all improvements.
- V-3-17 A copy of any Highway Occupancy Permit required for access to a state highway.
- V-3-18 An erosion and sedimentation control plan and post construction storm water management plan.
- V-3-19 A copy of all approvals required from PADEP and the Franklin County Conservation District.
- V-3-20 A storm water maintenance agreement.
- V-3-21 Wetlands, 100-year floodplains and 100-year flood elevations.
- V-3-22 Traffic control devices and clear sight triangles at street intersections.
- V-3-23 Plat status and index of sheets.

- V-3-24 Grading plan.
- V-3-25 Lighting plan.
- V-3-26 Landscaping plan.
- V-3-27 Certificate for signatures of Borough Planning Commission and Borough Council.
- V-3-28 For the curb lines and right-of-way lines of all streets, the length, in feet to the second decimal point, of all straight lines and the length of arc, radius, delta angle (in degrees, minutes, and seconds) of all curved lines.
- V-3-29 Bearings and distances shall be provided for easements when not parallel to lot or street lines.
- V-3-30 Location, size and proposed use and design of all parks, playgrounds, recreation areas, community centers, and other public uses. Areas to be dedicated to the Borough shall be noted. Areas to be reserved for public use but not be dedicated shall be noted, any conditions governing such areas shall be listed, and the arrangements to be made for the ownership, administration and maintenance of these areas shall be given.
- V-3-31 Provisions for pedestrian and other non-vehicular circulation throughout the tract.
- V-3-32 In the case of Land Development plans, the following additional information shall be shown:
- (1) The location and use of all buildings.
 - (2) Location and grade of all common parking areas and access drives, the size and number of parking spaces, and the width of aisles and access drives.
 - (3) The location, number, and dimensions of off-street loading areas.
 - (4) Provisions for landscaping of the tract.
 - (5) Provisions for lighting of the tract.
 - (6) Provisions for traffic control.
 - (7) The location of solid waste collection areas and provisions to be made for solid waste collection.
 - (8) A grading plan for the tract showing existing and proposed contour lines at the interval required by Section V-3-11 and lowest floor elevations for proposed buildings.
 - (9) Schematic architectural drawings of proposed buildings.

V-4 RECORDING OF FINAL PLAT

- V-4-1 Before the Borough Council approves any final plats, and as a prerequisite for approval, the developer shall deliver to the Borough Council a performance guarantee and assurances of escrowed amounts for inspection in accordance with Section V-2-4 and enter into an improvements agreement with the Borough per Section V-2-4.
- V-4-2 Upon written application signed by the obligor and surety of performance guarantee in a form approved by the Borough Solicitor, the Borough Council may, at its discretion, extend the period for installation of guaranteed improvements by not more than three additional years, or, when the improvements have been partially completed, may reduce proportionally the amount of the performance guarantee, by formal resolution. In the event of the default under a performance guarantee, the proceeds of the performance guarantee received by the Borough shall be used to construct and install the improvements.
- V-4-3 The Head of Borough Engineering Services shall notify the Borough Council upon the completion of procedures as set forth in Section V-4-2.
- V-4-4 After completion of procedures as set forth in Section V-4-2 and after the Final Plat is approved by the Borough Council, the record plat, and as many other copies of the final plat as may be desired, shall be endorsed by the Council and by the County Planning Commission. No Subdivision or Land Development Plan may be recorded unless it bears Borough Council, County Planning Commission and Borough Planning Commission endorsements and the Corporate seal of the Borough.
- V-4-5 The record plat shall be a clear and legible print of a type and materials required by the Franklin County Recorder of Deeds.
- V-4-6 Upon the approval of a final plat, the developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved plat signed by the Borough Council, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the Recorder of Deeds. If the developer fails to record the final plat within such period, the action of the Borough Council shall be null and void, unless an extension of time is granted in writing by the Borough Council upon written request of the developer. A receipt of recording shall be provided to the Head of Borough Engineering Services.
- V-4-7 At the time the record plat is endorsed by the Borough Council, the Borough shall receive one (1) hard copy and an electronic copy of the final plat as approved for its permanent files.
- V-4-8 At the time the record plat is endorsed by the County Planning Commission, the County Planning Commission shall receive two (2) endorsed paper prints of the final plat as approved by the Borough Council.
- V-4-9 The developer shall submit a hard copy and an electronic copy of as-built public improvements after construction.

ARTICLE VI
SUBDIVISION
SUBMISSION PROCEDURES AND REQUIREMENTS

- VI-1-1 In the case of a minor subdivision as defined by this Ordinance, only a final plat has to be submitted to the Borough for review. A preliminary plat is not required.
- VI-1-2 In the case of all subdivisions and land developments other than minor subdivisions, both preliminary and final plats shall be submitted to the Borough.

ARTICLE VII
DESIGN STANDARDS

VII-1 STREETS

- VII-1-1 The arrangements, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan or Official Map of the Borough and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.
- VII-1-2 Where such is not shown in the Comprehensive Plan or Official Map of the Borough, the arrangement of streets in the subdivision shall either:
- (1) Provide for the continuation or appropriate projection of existing streets when required by the Borough, or
 - (2) Conform to a plan for the neighborhood approved or adopted by the Borough Council.
- VII-1-3 Local streets shall be so laid out that their use by through traffic will be discouraged.
- VII-1-4 Where a subdivision or land development abuts or contains an existing or proposed arterial street, the Borough Council may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- VII-1-5 Where a subdivision or land development borders on or contains a railroad right-of-way or limited access highway right-of-way, the Borough Council may require a street approximately parallel to and on each side of such right-of-way at a distance therefrom suitable for the appropriate use of the intervening land, as for park purposes in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations.

- VII-1-6 The Borough may require reserve strips to allow for extensions to adjacent property or further development of a tract. Reserve strips for future street extensions and other similar purposes shall be dedicated to the Borough by deed of dedication when required by the Borough.
- VII-1-7 Streets intersecting another street shall either intersect directly opposite to each other or be separated by at least one hundred twenty-five (125) feet between center lines, measured along the center line of the street being intersected.
- VII-1-8 A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
- VII-1-9 When portions of a street deflect from each other at any one point by more than ten (10) degrees, and not more than forty-five (45) degrees, they shall be connected by a curve with a radius of not less than one hundred (100) feet for minor streets and three hundred (300) feet for arterial and collector streets.
- VI-1-10 Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees.
- VI-1-11 Property lines at street intersections shall be rounded with a radius of 25 feet, or of a greater radius where the Borough Council may deem it necessary. Curb radii shall be concentric with property lines.
- VII-1-12 Street right-of-way widths and pavement widths shall be as shown in the Comprehensive Plan or Official Map and where not shown therein shall be not less than as follows:

Street	Right-of-Way (feet)	Pavement (feet)
Arterial	80	60 or as required by the State
Collector	60	40
Local, for single family attached and apartment developments; commercial & industrial developments.	60	40
Local, for single family & two family developments	50	30
Marginal access	40	24

The designation of streets as “Local”, “Collector”, and “Arterial” is subject to Borough Council approval. The Borough Council may prohibit parking along streets.

- VII-1-13 Half streets shall be prohibited. Whenever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

- VII-1-14 Dead-end streets, designed to be so permanently, shall not be longer than 600 feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 80 feet and a street property line diameter of at least 100 feet.

When required by Borough Council, any street temporarily dead-ended for access to an adjoining property or because of authorized stage development shall be provided with a turnaround within the subdivision or land development and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.

If a cul-de-sac turnaround is offset, it shall not be offset to the right. Should a temporary cul-de-sac be proposed, arrangements satisfactory to the Borough Council and Borough Solicitor shall be made for construction and installation responsibilities of all improvements when the temporary cul-de-sac is abandoned and the street is extended.

- VII-1-15 No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Borough Council, Franklin County Department of Emergency Services and the U.S. Postal Service.

- VII-1-16 Street grades shall not exceed the following, with provision of vertical curves at changes in street grades to provide stopping sight distance in accordance with PennDOT design standards.

Street Type	Percent Grade
Arterial	4%
Collector	5%
Local	14%
Marginal access	14%

- VII-1-17 No vertical street grade shall be less than 0.5 percent.
- VII-1-18 Streets within the subdivision or land development and adjacent roads which will receive traffic from and distribute traffic to the subdivision or land development shall be or be made adequate in construction, grade, width and capacity to accommodate traffic generated by the subdivision or land development.
- VII-1-19 Where a subdivision or land development abuts an existing street which does not meet the standards of this Ordinance, the Borough Council may require the dedication of land sufficient to widen the street to meet the standards of this Ordinance.
- VII-1-20 Street intersections shall be designed to meet Pennsylvania Department of Transportation (PennDOT) requirements for sight distances.
- VII-1-21 New private streets are not permitted, except in mobile home parks. All streets, whether intended to be public or private, shall meet the standards for streets in this Ordinance.

VII-1-22 Where a subdivision or land development fronts on an existing Borough Street which does not meet the minimum cartway width requirements of this Ordinance, the Borough Council may require the developer to improve at his expense the street cartway to meet those requirements. Pavement and related drainage improvements shall be constructed in accordance with the requirements of this Ordinance.

VII-2 ALLEYS

VII-2-1 Alleys shall be provided in commercial and industrial districts, except that the Borough Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking, consistent with and adequate for the uses proposed.

VII-2-2 The right-of-way and cartway widths of an alley shall be 16 feet.

VII-2-3 Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded sufficiently to permit safe vehicular movement.

VII-2-4 Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Borough Council.

VII-2-5 All alleys shall be paved to street paving standards.

VII-3 EASEMENTS

VII-3-1 Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least 25 feet wide.

No structures shall be placed within such easements. No trees or shrubs shall be placed within easements unless approved by the Borough Council.

VII-3-2 Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width for construction, or both, as will be adequate for the purpose. Parallel streets may be required in connection therewith.

VII-4 BLOCKS

VII-4-1 The lengths, widths and shapes of blocks shall be determined with due regard to:

- (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- (2) Zoning requirements as to lot size and dimensions.
- (3) Needs for convenient access, circulation, control and safety of street traffic.

- (4) Limitations and opportunities to topography.

VII-4-2 Block lengths shall not exceed 1,600 feet, or be less than 500 feet.

VII-4-3 Pedestrian crosswalks, not less than 10 feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities. Such crosswalks shall contain a walkway, constructed of a material approved by the Borough Council, with a minimum width of four feet (4').

VII-5 LOTS

VII-5-1 The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

VII-5-2 Lot dimensions shall conform to the requirements of the Borough Zoning Ordinance.

VII-5-3 Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

VII-5-4 Every lot or parcel of land shall abut an improved street except that the Borough Council may waive this requirement and permit frontage on an existing alley provided: a) the newly created lot or lots do not create traffic congestion nor interfere with the free flow of traffic in the alley; b) the lots are in accord with the development plans of the neighborhood and in the best public interest; and c) a public hearing is held at which time area residents may submit testimony.

VII-5-5 Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right-of-access shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

VII-5-6 Except where unavoidable because of tract topography or configuration, side lot lines shall be at right angles to straight street lines and radial to curved street lines and lot lines shall follow municipal boundaries rather than cross them.

VII-5-7 Flag lots, as defined herein, may be permitted within any district under the following conditions, except where specifically prohibited by this or other Borough Ordinances.

- (1) The parcel of land being developed is of such a shape, size and configuration that the use of a flag lot(s) is the only method of developing the site.
- (2) The access to the parcel of land being developed is such that use of a flag lot represents the only method of developing the site.

- (3) If direct frontage access to a parcel or a portion of a parcel can be provided by an existing or new public or private road, a flag lot shall not be proposed as a means of avoiding such road frontage access.
- (4) If the above conditions warrant the use of flag lots, not more than two (2) access strips serving such lots may be located adjacent to each other, and any additional access strip to another such lot shall be separated by a full lot width, as required by the district in which the land is located.
- (5) Any access strip serving any permitted flag lot shall not exceed three hundred (300) feet in length, as measured from the public or private road frontage to the main body of the lot. No portion of the access strip may be counted as a part of the required lot area, nor shall it contain any building or structure.
- (6) Single-family, duplex, and two family dwellings are the only type of dwelling units which can be located on a flag lot.
- (7) A driveway servicing a flag lot shall be a minimum twenty (20) feet in width, extending from the edge of pavement of any public or private road for a distance of not less than twenty (20) feet from the edge of said pavement into the access strip for the lot, all of which area shall be paved with an all-weather surface meeting the approval of the Borough Engineer. The remainder of the driveway serving a flag lot shall be a minimum ten (10) feet in width, and if the access strip exceeds a depth of two hundred (200) feet, a ten-foot-by-twenty-foot turn-off shall be provided for vehicle passage.

VII-6 PUBLIC SITES AND OPEN SPACE

VII-6-1 Where a proposed park, playground, trail or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision or land development, the Borough Council may require the dedication or reservation of such area within the subdivision or land development in those cases in which the Borough Council deems such requirements to be reasonable.

VII-6-2 Natural features such as trees, brooks, hilltops and views shall be preserved whenever possible in designing any subdivision or land development containing such features.

VII-7 STORM WATER MANAGEMENT

Stormwater runoff shall be controlled in a manner which is consistent with the requirements of the Waynesboro Stormwater Management Ordinance.

VII-8 EROSION AND SEDIMENTATION CONTROL

Erosion and Sedimentation Control shall be provided in accordance with all requirements of the Borough, Franklin County Conservation District and Pennsylvania Department of Environmental Protection.

VII-8-1 No changes shall be made in the contour of the land; no grading, excavating, removal, or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced within a proposed subdivision or land development tract until such time that a plan for minimizing erosion and sedimentation control has been reviewed by the County Soil and Water Conservation District and reviewed and approved by the Borough Council, or there has been a determination by the Borough Council, upon recommendation by the County Soil and Water Conservation District, that such plans are not necessary.

VII-8-2 Measures used to control erosion and reduce sedimentation shall meet the standards and specifications of the County Soil and Water Conservation District as set forth in the County Erosion and Sediment Control Handbook. The Head of Borough Engineering Services, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the District.

VII-9 CURBS AND SIDEWALKS

Curbs shall be required and sidewalks shall be designed as follows:

Street Type	Curb Required	Sidewalk Required
Collector or Arterial	Yes	5'
Local, Single Family attached and apartment developments.	Yes	5'
Commercial and Industrial Development	Yes	7.5'
Local, Single and Two Family Developments	Yes	5'
Marginal Access	Yes	5' one side only

VII-10 SEWERS AND WATER SUPPLY

Sanitary sewers and water supply shall be installed regardless of whether public sewer service and water supply is presently available.

VII-11 TELEPHONE AND ELECTRICAL SERVICE

Underground utility service shall be provided in subdivisions involving five (5) or more lots.

VII-12 STREET LIGHTS

Street lights shall be provided with the construction of new streets. A plan for street lights, approved by the local utility company, shall be provided by the applicant upon submission of the subdivision and/or land development plan.

VII-13 PEDESTRIAN AND VEHICULAR CONNECTIVITY

- VII-13-1 When required by the Borough, the proposed street system shall extend existing or recorded streets at the same width as the existing or recorded streets if these streets meet or exceed the standards of this Ordinance. If the existing or recorded streets do not meet or exceed the standards of this Ordinance, the proposed street extensions shall meet the standards of this Ordinance.
- VII-13-2 Where, in the opinion of the Borough Council, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property. The location and number of access points to adjoining properties are subject to Borough Council approval.
- VII-13-3 When streets will be extended to the boundaries of the subdivision or land development to provide for access to potentially developable tracts and sanitary sewer and/or water lines will be constructed in the streets within the applicant's tract, the Borough Council may require extension of the sanitary sewer and/or water lines to the tract boundary in order to facilitate future extensions to abutting land.
- VII-13-4 Connections shall be provided between streets within the subdivision or land development to provide adequate access for emergency vehicles, other vehicles, and pedestrians.
- VII-13-5 If lots or parcels in the subdivision are large enough for resubdivision, or if a portion of the applicant's property is not proposed to be subdivided but could be subdivided in the future, the Borough Council may require the reservation of land adequate to provide for future street access to land which could be resubdivided or subdivided in the future and require that the location of land reserved for future streets be coordinated with the street system shown on the subdivision plan. Such reserved areas shall be of such dimensions to permit the construction of streets meeting the standards of this Ordinance.
- VII-13-6 The location and number of access points to a subdivision or land development shall be adequate for and appropriate to the size and nature of the development and surrounding roads and land uses.

All subdivisions and land developments containing more than twenty (20) dwelling units shall have at least two means of ingress and egress via streets or access drives meeting the design and construction standards of the Borough.

For all subdivisions and land developments for which only one means of ingress and egress is proposed, the Borough Council may require, where deemed necessary in the public interest and for the public safety, the provision of additional street or access drive meeting Borough standards or the provision of an alternate means of ingress and egress meeting Borough standards which could be used by emergency vehicles. Such alternate means of ingress and egress shall be of such width, and improved to such an extent to be usable by emergency vehicles, and shall not be used for structures, trees, or similar obstructions.

VII-13-7 All subdivisions and land developments shall provide for pedestrian access along streets and access drives.

Pedestrian connections shall be provided between adjoining subdivisions and land developments via sidewalks and/or pathways when required by the Borough Council. Subdivisions and land developments shall also recognize any pedestrian systems shown on the Borough's Comprehensive Plan or Official Map.

Land developments shall provide for pedestrian connections between public sidewalks and building entrances and parking areas.

VII-14 FLOODPLAIN MANAGEMENT

Construction and development within areas of the Borough which are subject to flooding are subject to the requirements of the Waynesboro Floodplain Management Ordinance.

VII-15 APPROVAL OF WETLAND AND FLOODPLAIN DELINEATIONS

All delineations of wetlands and floodplains with subdivisions and land developments are subject to review by the appropriate federal or State agency, including the Army Corps of Engineers, Pennsylvania Department of Environmental Protection, Federal Emergency Management Agency and Pennsylvania Department of Community Development.

VII-16 RESERVED FOR FUTURE RECREATION DEDICATION AND FEE IN LIEU OF REQUIREMENTS

VII-17 DRIVEWAYS

VII-17-1 All curb cuts and driveway entrances shall be in accordance with Borough Ordinance standards.

VII-17-2 Subdivisions and land developments shall be designed to minimize the number of driveway intersections with existing public streets. This reduction in driveway intersections will lessen interruptions to traffic flow and accident hazards and minimize sedimentation and runoff problems onto existing public streets.

VII-17-3 All driveways which provide access to arterial streets, if such driveways are permitted by the Borough Council, shall be designed with turnaround areas so that cars will not back onto the arterial streets.

VII-17-4 Provision shall be made at all intersections of driveways with streets to ensure adequate storm water drainage and erosion and sediment control.

VII-17-5 Driveways shall be placed at locations at which sight distance is adequate to safely allow each permitted movement to be made into or out of the driveways; such that the free movement of normal street traffic is not impaired; such that the driveways will not create a hazard; and such that the driveways will not create an area of undue traffic congestion on streets. Applicable safe sight distance as established in the regulations of the Pennsylvania Department of Transportation shall be provided.

- VII-17-6 The Borough Council may require the driveway to a lot which abuts two or more streets to be restricted to that street which can more safely accommodate its traffic. The Borough Council may also require a driveway to be located directly across from a street or driveway on the opposite side of the street the driveway intersects if the Council judges that offset driveways will create a safety hazard.
- VII-17-7 The Borough Council may require the permissible location of a driveway for a lot to be shown on the subdivision or land development plan, and further require that driveway locations be subject to approval of the Council.
- VII-17-8 The angle of a driveway as it intersects a street shall be such that a vehicle entering the driveway may do so in an orderly and safe manner with a minimum of interference to through street traffic and such that a vehicle leaving the driveway may enter safely into the lane of traffic moving in the desired direction.
- VII-17-9 Private driveways shall have such grades as to furnish safe and convenient parking spaces and to provide a safe and convenient means of access. The grades and construction materials of driveways shall be such that the materials of the driveway will not wash onto public streets.

The Borough Council may require the applicant to submit with the subdivision or land development plans evidence that the standards for driveways established in this Section, can be met for each lot where doubt exists as to the feasibility of meeting the standards.

VII-18 OFF-STREET PARKING

- VII-18-1 In residential zoning districts, individual driveways from townhouse, duplex and two family dwellings shall not be located such that cars leaving the driveway will back into a street.

ARTICLE VIII

REQUIRED IMPROVEMENTS

VIII-1 MONUMENTS AND MARKERS

Monuments shall be placed at all property line intersections of the original tract as shall be required by the Head of Borough Engineering Services. Markers shall be required at all lot line intersections.

VIII-2 IMPROVEMENTS ACCORDING TO APPROVED PLAT

All improvements specified and approved on the final approved plat shall be installed, constructed and completed in accordance with the approved plat and with all design standards and improvement procedures specified by the Head of Borough Engineering Services, and shall

comply with all applicable Borough specifications. Where no Borough specifications apply, specifications of the Pennsylvania Department of Transportation (PennDOT) shall be used.

All public improvements specified and approved on the final approved plats shall be installed within two (2) years of the date of recording the plat, or prior to development of sixty (60) percent of the lot or lots on the approved plat, whichever occurs first. An extension of one (1) year may be requested from Borough Council, if such extension request is submitted to the Director of Borough Engineering in writing at least three (3) months prior to the required completion date of the public improvements. The granting of such extension is within Borough Council's sole discretion.

VIII-3 UTILITY IMPROVEMENTS

VIII-3-1 Utilities shall be provided by the developer on the following basis:

- (1) Sanitary Sewer - The developer shall install, to Borough Specifications, the sanitary sewer and the sewer laterals to the curb.
- (2) Water - The developer shall install, to Borough specifications, the water mains, fire hydrants and water services. Such installation shall be made by the developer in accordance with the rules, regulations and schedule of charges for water service adopted by the Waynesboro Borough Authority, as the same may be amended from time to time. The rules, regulations and schedule of charges for water service as adopted by the Waynesboro Borough Authority above-referred to are hereby incorporated herein insofar as the same are applicable to the installation of water mains, fire hydrants and water services.
- (3) Storm Sewer - The developer shall provide all storm sewers, storm inlets and other improvements required within the subdivision or land development. All requirements of the Borough Stormwater Ordinance shall be met. The Borough will pay the increased cost of additional capacity for trunk storm sewers when they are required to drain areas above and beyond the subdivision. The increased cost shall be determined as the difference in construction cost of the trunk sewer and a sewer required to carry only the runoff from the subdivision or land development. The cost difference shall be based on accepted engineering design standards and shall be as determined by the Head of Borough Engineering Services.

All engineering and construction plans shall be provided by the subdivider drawn to Borough specifications and approved by the Head of Borough Engineering Services. One hard copy and one electronic copy of the as-built plans shall be provided to the Borough.

VIII-4 STREET CONSTRUCTION

All streets shall be graded to full right-of-way width. Planting strips shall be graded, properly prepared and seeded or sodded with lawn grass.

All streets shall be paved to full cartway width with Superpave Hot-Mix Asphalt Design per Pennsylvania Department of Transportation (PennDOT) design guidelines.

When unusual soil conditions are encountered, special pavement features may be required as determined by the Head of Borough Engineering Services.

VIII-5 CURB CONSTRUCTION

Curbs shall be 20 inches x 6 inches at top x 7 inches at base, as per Ordinance 1086 as amended and all subsequent amendments thereto.

VIII-6 SIDEWALK CONSTRUCTION

Sidewalks meeting requirements of Borough Ordinance 1086, as amended, and all subsequent amendments thereto, shall be installed on both sides of all streets within and abutting the subdivision or land development.

VIII-7 STREET SIGNS

Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval of the Borough.

VIII-8 STREET LIGHTS

Street lights shall be provided at locations designated by the local utility company consistent with current policy, at all street intersections and all other locations considered necessary for safety reasons as approved by Borough Council.

VIII-9 EROSION AND SEDIMENT CONTROL MEASURES

Installations necessary to implement the erosion and sediment control plan shall be made on the tract by the applicant as required improvements per the requirements of the Franklin County Conservation District.

VIII-10 TRAFFIC IMPROVEMENTS

VIII-10-1 Abbreviated Traffic Impact Study.

- (1) Whenever a proposed development will generate fifty to ninety-nine (50-99) new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the Applicant shall perform an Abbreviated Traffic Impact Study. Based on this study, certain improvements may be identified as necessary to provide safe and efficient access to the development. The Abbreviated Traffic Impact Study shall include:

- A. A Capacity Analysis Report prepared under the supervision of a qualified and experienced Transportation Engineer.
- B. The study area for the Capacity Analysis Report shall only include all proposed intersections.

VIII-10-2 Comprehensive Traffic Impact Study.

- (1) Whenever a proposed development will generate one hundred (100) or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the Applicant shall perform a Comprehensive Traffic Impact Study. Based on this study, certain improvements may be identified as necessary to provide safe and efficient access to the development.
- (2) In addition, a Comprehensive Traffic Impact Study shall be prepared whenever either of the following conditions exists within the impact study area, as determined by the Borough:
 - A. Current traffic problems exist in the local area, such as a high crash location, confusing intersection, or a congested intersection that directly affects access to the development.
 - B. The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.

VIII-10-3 Traffic Impact Study Requirements.

- (1) Area of Traffic Impact Study.
 - A. The traffic impact study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the development site or have direct impact upon the access to the site. The intersections shall be mutually agreed upon by the Borough and the Transportation Engineer preparing the study. In the event of a dispute regarding the intersection to be included in the study, the Zoning Hearing Board shall determine the appropriate intersection for inclusion.
- (2) Preparation by Transportation Engineer Required.
 - A. Traffic impact studies shall be prepared by or under the supervision of qualified and experienced Transportation Engineers with specific training in traffic and transportation engineering and at least two (2) years of experience related to preparing traffic studies for existing or proposed developments.

- (3) Horizon Year.
 - A. The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build out and occupancy. This year shall be referred to as the "Horizon Year".
- (4) Non-Site Traffic Estimates.
 - A. Estimates of Non-Site Traffic shall be made, and will consist of through motorized and non-motorized traffic and motorized and non-motorized traffic generated by all other developments within the study area for which Preliminary or Final Plans have been approved. Non-Site Traffic may be estimated using one (1) of the following three (3) methods: "Build-Up" technique, area transportation plan data or modeled volumes, and trends or growth rates.
- (5) Trip Generation Rates Required.
 - A. The Traffic Impact Study shall include a table showing the land use categories and quantities, with the corresponding trip generation rates or equations (with justification for selection of one (1) or the other), and resulting number of trips. The trip generation rates used must be either from the latest edition of Trip Generation by the ITE (Institute of Traffic Engineers), or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.
- (6) Consideration of Pass-By Trips.
 - A. If Pass-By Trips or Shared Trips are a major consideration for the land use in question, studies should be referenced and interviews should be conducted and documented at similar land uses.
- (7) Rate Sums.
 - A. Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified and explained in the study.
- (8) Explanations Required.
 - A. The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the report.
- (9) Definition of Influence Area.
 - A. Prior to trip distribution of site-generated trips, an Influence Area must be defined which contains eighty percent (80%) or more of the trip ends that will be attracted to the development. A Market Study can be used to establish the limits of an Influence Area, if available. If no Market Study is available, an Influence Area should be estimated based on a

reasonable documented estimate. The Influence Area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments.

- B. Other methods, such as using trip data from an existing development with similar characteristics or using an existing origin-designation survey of trips within the area, can be used in place of the Influence Area to delineate the boundaries of the impact.

(10) Estimates of Trip Distribution Required.

- A. Trip Distribution can be estimated using any one of the following three (3) methods.
 - 1. Analogy
 - 2. Trip Distribution Model
 - 3. Surrogate Data
- B. Whichever method is used, Trip Distribution must be estimated and analyzed for the Horizon Year. A mixed-use development may require more than one (1) distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration must also be given to whether inbound or outbound trips will have similar distributions.

(11) Trip Assignments.

- A. Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those producing five hundred (500) or more additional peak direction trips to or from the site during the developments peak hour) through the internal roadways. When the site has more than one (1) access driveway, logical routing and possible multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.
- B. If a thorough analysis is required to account for pass-by trips, the following procedure should be used:

1. Determine the percentage of pass-by trips in the total trips generated.
 2. Estimate a trip distribution for the pass-by trips.
 3. Perform two (2) separate trip assignments, based on the new and pass-by trip distributions.
- C. Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical given characteristics of the road system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.
- (12) Total Traffic Impacts.
- A. Motorized and non-motorized traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the development sites redevelopment, but also the trips subtracted from the traffic stream because of the removal of a land use. The Traffic Impact Study should clearly depict the total traffic estimate and its components.
- (13) Capacity Analysis.
- A. Capacity analysis must be performed at each of the major streets and development site access intersection locations (signalized and unsignalized) within the study area. In addition, analysis must be completed for roadway segments deemed sensitive to site traffic within the study area as determined by the Borough. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing on and off-site. Other locations may be deemed appropriate depending on the situation.
- B. The recommended Level-of-Service Analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed.
- C. The operational analysis in the Highway Capacity Manual should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.
- (14) Required Levels-of-Service.
- A. The recommendations of the Traffic Impact Study shall provide safe and efficient movement of traffic to and from and within and past the proposed development, while minimizing the impact to non-site trips. The current levels-of-services must be maintained if they are Levels C or D, not allowed to deteriorate to worse than Level C if they are currently Levels A or B, and improved to Level D if they are Levels E or F.

(15) Documentation Required.

- A. A Traffic Impact Study Report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.
1. The documentation for a Traffic Impact Study shall include at a minimum:
 - (a) Study purpose and objectives.
 - (b) Description of the site and study area.
 - (c) Existing roadway conditions in the area of the development.
 - (d) Recorded or approved development(s) within the Traffic Impact Study area.
 - (e) Trip generation, trip distribution, and modal split.
 - (f) Projected future motorized and non-motorized traffic volumes.
 - (g) An assessment of the change in roadway operating conditions resulting from the development traffic.
 - (h) Recommendations for site access and transportation improvements needed to maintain and/or improve motorized and non-motorized traffic flow to, from, within, and past the site at an acceptable and safe Level-of-Service.
 - (i) Transit location, availability of bike routes, connection to a park and/or trail system.
 2. The analysis shall be presented in a straight forward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
 3. The recommendations shall specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required. The recommendations shall also identify who will be responsible for making improvements.
 4. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.

5. To facilitate examination by the Borough, an executive summary of one (1) or two (2) pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.
6. The study documentation outlined above provides a framework for development site traffic access/impact study reports. Some studies will be easily documented using the outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections.

VIII-10-4 Improvements.

- (1) Responsibility for Improvements.
 - A. The Applicant shall be responsible for the improvements required to provide safe and convenient ingress and egress to the development site.
- (2) Coordination with Borough Requirements.
 - A. The Applicant shall be responsible for other improvements related to the results of the Traffic Impact Study.

VIII-11 SHADE TREES

Deciduous hardwood trees of a species approved in the shade tree ordinance list as amended from time to time, having a minimum caliper of two (2) to two and one-half (2-1/2) inches shall be provided along all existing and proposed streets within and abutting the subdivision or land development. Conditions of placement and inspection shall be specified by the Borough.

VIII-12 RECREATION FACILITIES

Recreation facilities shall be provided where a fee has not been paid in lieu of such facilities.

VIII-13 TRAFFIC CONTROL DEVICES

The traffic control devices shown on the approved plan, including such items as stop signs and signs restricting parking, shall be installed as required by the Borough.

VIII-14 BACKFILL

Utility excavations in areas of streets, access drives, parking areas, and loading areas shall be backfilled in accordance with Borough standards.

VIII-15 INTERNAL PAVING

All access drives and parking and loading areas for apartment, townhouses, commercial, office and industrial land developments shall be constructed to standards approved by the Head of Borough Engineering Services. The Head of Borough Engineering Services may allow the use of porous paving when he deems it appropriate.

VIII-16 INSPECTION

The installation of required improvements will be inspected by the Borough as deemed necessary by the Borough. The applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of the improvements.

ARTICLE IX

MOBILE HOME PARK REGULATIONS

IX-1 AREA AND DEVELOPMENT CONTROLS

- IX-1-1 The minimum site area for a mobile home park shall be three (3) acres. Not less than eighty percent (80%) of the site area shall be fully capable of development and shall not be encumbered by: floodplain or flood hazard area; steep slope area; high water table area; wetlands; a highly erodible soil area; or area of shallow bedrock.
- IX-1-2 The minimum lot area for each mobile or modular home located in a mobile home park shall be seven thousand five hundred (7,500) square feet.
- IX-1-3 The minimum lot width for each mobile or modular home located in a mobile home park shall be sixty (60) feet as measured at the front right-of-way line and as measured at the building setback line.
- IX-1-4 The minimum depth of any lot proposed within a mobile home park shall be one hundred twenty (120) feet as measured from the right-of-way line.
- IX-1-5 Flag lots are not permitted within a mobile home park.
- IX-1-6 The minimum front yard and the minimum rear yard for a proposed mobile or modular home lot shall each be thirty (30) feet.
- IX-1-7 The minimum side yard shall be fifteen (15) feet, with an aggregate side yard width of thirty-five (35) feet for each lot.
- IX-1-8 Each proposed mobile or modular home lot shall have full frontage on a public street, or on a private street (if approved by the Borough Council) meeting all paving, width and other design criteria for public streets as covered in the Borough Subdivision and Land Development Ordinance.
- IX-1-9 A minimum open space area comprising twenty percent (20%) of the mobile home park site shall be required. Not less than eighty percent (80%) of the open space area shall be usable for active recreation purposes.
- IX-1-10 The maximum lot coverage by a mobile or modular home shall not exceed twenty percent (20%) of the lot area.

IX-1-11 The maximum impervious surface coverage for a mobile home park and for a mobile or modular home lot shall not exceed thirty-five (35%) of the site area or the lot area.

IX-1-12 The maximum height of a mobile or modular home shall not exceed thirty-five (35) feet and the height of any appurtenant structures shall not exceed a total of thirty (30) feet.

IX-1-13 Each mobile or modular home located in a mobile home park shall be provided with not less than two (2) off-street parking spaces located either on the mobile home lot or within an approved common parking area located not more than one hundred fifty (150) feet from each mobile or modular home served.

IX-1-14 Each proposed mobile home park shall be subject to the requirements of this Borough Subdivision and Land Development Ordinance to the extent that all requirements for a land development plan shall be required.

IX-1-15 Modular homes in mobile home parks. A mobile home park may include lots for modular homes, as defined herein, upon the following conditions.

- a. There are at least twenty (20) lots available in the mobile home park.
- b. At least 30 percent (30%) of lots are designated for mobile homes and at least thirty percent (30%) of lots are designated for modular homes.
- c. All lots designated for mobile homes and all lots designated for modular homes shall be contiguous to each other except for divisions caused by streets, alleys, or roadways. In no event shall less than four (4) mobile home lots or four (4) modular home lots of the same type of improvement stand-alone.
- d. Modular Home – for the purposes of this subsection, modular home shall be defined as a single family dwelling intended for permanent occupancy, which is wholly, or in substantial part, made, constructed, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on a building site of pre-made parts and unit modules.

IX-2 SPECIAL REGULATIONS FOR MOBILE HOME PARKS

IX-2-1 Each proposed mobile home or modular homes located within a mobile home park shall be:

1. Connected to a public water supply.
2. Connected to a public sewer system.

IX-2-2 Each mobile home park shall provide for complete, on-site stormwater management and erosion control facilities which shall be designed in accordance with the requirements of all applicable Borough ordinances.

IX-2-3 Each mobile home park shall provide for centrally located refuse disposal container areas designed to serve a maximum of twenty (20) individual mobile homes each. Each such container space shall not be less than two hundred (200) square feet in area, shall be fenced or buffered by a landscape screen and shall be easily accessible (within two

hundred fifty (250) feet of the mobile or modular homes served). Paved walkways shall be provided to the refuse container spaces. Containers shall be weatherproof, vermin proof and accessible to a street or driveway for vehicular loading or removal. Waste in all refuse disposal containers shall be collected at least once a week.

- IX-2-4 A central service building or buildings may be provided within a mobile home park, containing such accessory uses as: a management office; laundry facilities; a repair and maintenance office; meeting rooms and toilets; resident mailbox facilities; indoor recreational facilities for residents only; and enclosed storage closets for residents only.
- IX-2-5 Each individual mobile or modular home shall be located on a foundation and be able to withstand forces in accordance with the most recent edition of the Uniform Construction Code.
- IX-2-6 All exterior sides of each mobile home shall be provided with a permanent skirt covering the entire space between the concrete pad and the exterior siding of the unit. The skirt shall be of compatible design and material of the unit. Sufficient ventilation to prohibit decay and deterioration of the structure shall be provided. Skirting around the entire base of the mobile home shall be constructed within thirty (30) days of placement of the mobile home in the park.
- IX-2-7 Permitted accessory buildings or accessory uses may not be located in a required yard.
- IX-2-8 Screening (Buffer Strips) shall be provided along all property and street boundary lines. Said screening shall be installed by the developer in accordance with Borough ordinances.
- IX-2-9 Any entrance and exit to a Mobile Home Park shall be on a public street.
- IX-2-10 Each Mobile Home Park shall have a minimum of two (2) means of egress and ingress, and a distance of at least one hundred fifty (150) feet shall be maintained between center lines of these required access streets.
- IX-2-11 Electrical, telephone, and television cable service utilities shall be provided underground.
- IX-2-12 The tongue and hitch assembly used to tow a mobile home shall be removed within thirty (30) days of placement of the mobile home in the mobile home park.
- IX-2-13 All mobile home park streets, auxiliary parking lots, and common walkways shall be illuminated during night hours. Spacing and height of illumination shall be based on recommendations of the electric utility.
- IX-2-14 No part of any mobile home park shall be used for a nonresidential purpose except such uses that are required for the direct servicing and wellbeing of the park residents and for the management and maintenance of the park.

IX-2-15 Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone, screening or other solid material or protected with a vegetation growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

IX-2-16 Mobile home park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects or other pests harmful to human beings.

IX-3 LICENSE FOR MOBILE HOME PARKS: APPLICATION THEREFORE AND ISSUANCE THEREOF

IX-3-1 It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned or controlled by him, a mobile home park within the limits of the Borough without having first secured a license therefore from the Borough Manager, granted and existing in compliance with the terms of this ordinance, which license shall expire one year from the date of issuance, but may be renewed under the provisions of this ordinance for additional periods of one year.

IX-3-2 The application for an initial mobile home park license shall be filed with the Borough Manager and shall be accompanied by a fee as established from time to time by resolution of the Borough Council for each mobile home space in the existing or proposed mobile home park. The application shall be in writing signed by the applicant and shall include the following:

- (1) The name and address of the applicant.
- (2) The name and address of the owner or owners of the land upon which the mobile home park is to be laid out or is maintained.
- (3) The location and legal description of the mobile home park.
- (4) A complete plan of the park setting forth roadways and driveways; locations of mobile home spaces; location and size of all utility lines; method and plan of sewage disposal; method and plan of garbage removal; plan for water supply; and plan for electrical lighting.
- (5) Plans for and specifications for all buildings, improvements and facilities constructed or to be constructed within the mobile home park.
- (6) Such further information as may be requested by the Borough Manager's Office to enable it to determine if the proposed mobile home park will comply with legal requirements.

The applications and all accompanying plans for specifications shall be filled in triplicate. The Borough Manager or his duly appointed designee shall investigate the applicant and inspect the applications and the proposed plans and specifications. If the proposed mobile home park will, when constructed or altered in accordance with such plans and specifications, be in compliance with all provisions of this ordinance and all other applicable ordinances and statutes,

the Borough Manager shall approve the application and upon completion of the park according to the plans shall issue the license.

IX-3-3 Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the Borough Manager shall issue a certificate renewing such license for another year. The fee shall be established from time to time by resolution of Borough Council.

IX-3-4 Upon application in writing for a transfer of a license and payment of a transfer fee as established from time to time by resolution of the Borough Council, the Borough Manager shall issue a transfer. The fee shall be established from time to time by resolution of Borough Council.

IX-4 MAINTENANCE OF FACILITIES

The operator and owner shall be responsible for maintaining all common facilities, including but not limited to roads, parking areas, sidewalks or pathways, common open space, water supply and sewage disposal systems and service buildings, in a condition of proper repair and maintenance. If upon inspection by the Zoning Officer it is determined that the mobile home park is not in compliance with this standard of maintenance, the licensee shall be considered to be in violation of this chapter and the Zoning Officer shall notify the operator or licensee of the particulars of any such violation. The operator and licensee shall thereafter correct any such violations. If the violation is determined by the Zoning Officer to constitute a hazard to the health and safety of the residents of the mobile home park, he shall order that the violation be corrected forthwith.

IX-5 MAINTENANCE BOND

IX-5-1 In addition to any performance bond which may be required for public facilities or utilities, the licensee of a mobile home park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application, post with the Borough a maintenance bond in a form acceptable to the Borough a maintenance bond in a form acceptable to the Borough Solicitor, in an amount sufficient to cover for a period of two (2) years the cost of maintenance of all common facilities, as determined by the Borough Zoning Officer or Borough Engineering Department. The bond shall remain in effect for the duration of the operation of the mobile home park.

IX-5-2 In the event of noncompliance with an order pursuant to Subsection III, the Borough may call the maintenance bond and use the proceeds thereof to effect correction of the violations.

ARTICLE X

PLANNED RESIDENTIAL DEVELOPMENT REGULATIONS

X-1 PURPOSE

The purposes of planned residential development provisions are:

- X-1-1 To encourage innovations in residential development so that the demand for housing may be met by greater variety and maximum choice in the type, design, and layout of dwellings and by the conservation and efficient use of recreation open space ancillary to said dwellings.
- X-1-2 To encourage a more efficient use of land and to reflect changes in the technology of land development so that the economies achieved may benefit those who need homes.
- X-1-3 To encourage more flexible land development which will respect and conserve natural resources such as streams, floodplains, wetlands, wooded areas, steeply sloped areas, areas of unusual beauty, and significant natural habitats.
- X-1-4 To provide a greater variety of housing types, and giving inhabitants a broader range of dwelling types from which they can choose to satisfy their changing life styles and requirements.

X-2 ELIGIBILITY REQUIREMENTS

An application for a planned residential development shall not be eligible for tentative approval unless the following initial requirements are met:

- X-2-1 The proposed planned residential development shall consist of one (1) or more contiguous parcels of land under ownership purchase agreement, option to purchase, leasehold agreement, or other similar legal agreement by a single legal entity to own and/or develop the land.
- X-2-2 The proposed planned residential development shall contain the total minimum land area specified in the Schedule of Area, Yard, and Height Requirements.
- X-2-3 The proposed planned residential development shall be connected to public water and sanitary sewer systems.
- X-2-4 No multi-family dwellings shall be constructed until there is such evidence that adequate fire protection is available to serve such dwellings.

X-3 LAND USE CONTROL AND LAND USE DENSITY REQUIREMENTS

- X-3-1 Residential Uses - The PRD shall contain at least two (2) of the residential uses listed below:

1. Single family dwellings
2. Duplex dwellings
3. Two family dwellings
4. Townhouse dwellings
5. Multi-family dwellings

X-3-2 Mix of Housing Types - The mix of residential uses and housing types shall be determined by the following:

No one type of dwelling unit shall exceed seventy (70) percent of the total dwelling units. The general standards for mix of housing set forth in this section may be modified by the Borough Council where it is the opinion of the Council that the findings of the site analysis justify a modification. Where proposed housing mixes deviate from the standards in this section, the burden of proof shall be upon the developer to demonstrate the proposals are in general accord with the Borough Comprehensive Plan and that the characteristics of the PRD site and the surrounding area justify a mix than otherwise is permitted.

X-3-3 Non-Residential Uses - Non-residential uses may be permitted to the extent that they are designed and intended to serve the daily and convenient shopping and personal service needs of the Planned Residential Development residents and are compatible and harmoniously incorporated into the design of the Planned Residential Development. A market feasibility study to show need shall be provided by the applicant.

X-3-4 Density and Locational Requirements

- (1) The density for the total PRD site and any phase of the PRD shall not exceed eight (8) dwelling units per acre.
- (2) The percentage of the site which is to be covered by the buildings, streets, parking areas and other impervious cover shall not exceed thirty (30) percent of the total site area.
- (3) The percentage of the site to be devoted to common open space shall be no less than twenty-five (25) percent of the total site area. The 25% requirement shall not include slopes greater than 20%, wetlands, 100-year floodplains, parking areas, streets, yard areas of less than twenty-five (25) feet around all buildings and other areas unusable because of environmental constraints.
- (4) The percentage of the site to be devoted to non-residential uses shall not exceed five (5) percent of the total site area.
- (5) No structure shall be located within 50 feet of a boundary of the PRD or a street outside the PRD.

X-4 SITE ANALYSIS AND SITE DESIGN STANDARDS.

X-4-1 Site Analysis.

- (1) Natural Features Analysis - A thorough analysis of the natural features of the site is required to include the following categories:
 - a. Hydrology: Analysis of natural drainage patterns and water resources including streams, natural drainage, swales, ponds or lakes, wetlands, floodplain areas, permanent high water table areas, and seasonal high water table areas.
 - b. Geology: Analysis of characteristics of rock formations underlying the site including defining aquifers, shallow bedrock areas, and areas in which rock formations are unstable.
 - c. Soils: Analysis of types of soils present in the site areas including delineation of aquifer recharge soil areas, unstable soils, soils most susceptible to erosion, and soils suitable for development.
 - d. Topography: Analysis of site terrain including contour mapping and delineation of slope areas over twenty (20) percent, between ten (10) and twenty (20) percent and under ten (10) percent.
 - e. Vegetation: Analysis of tree and plant cover, emphasizing location of woodland areas. Dominant tree and plant species and their characteristics shall be identified.
- (2) Community Impact Analysis - In order to determine the impact of the Planned Residential Development upon the Borough, an analysis of the potential effects of the PRD upon public facilities, utilities, and street systems is required. A comparison of the costs to the Borough versus the revenues to the Borough shall be included in the analysis. Market analysis data estimating potential market demand for types of housing in the PRD shall also be presented.

X-4-2 Site design requirements

- (1) Residential uses
 - a. The natural features of the site shall be a major factor in determining the siting of dwelling units.
 - b. Dwellings shall be located and sited so as to promote pedestrian and visual access to common open space.
 - c. Dwelling units shall be located and arranged so as to promote privacy for residents within the PRD and maintain privacy for residents adjacent to the PRD.

- d. No structure shall be located within twenty (20) feet of a street right-of-way.

(2) Commercial Uses

- a. All commercial uses shall be located with direct access to either a collector or arterial street within the PRD.
- b. Signs for commercial uses are permitted subject to the following restrictions:
 - (1) A single sign for the commercial area is permitted. Such sign shall be limited to a height of six (6) feet with a total maximum area of thirty (30) square feet.
 - (2) Signs for individual uses shall be permitted on the structure (except roof signs). Signs shall be limited to the store name and shall be no more than thirty (30) square feet.
 - (3) Signs may be illuminated by shielded floodlights providing such lighting is designed and located so as to direct light away from adjacent residences.

(3) Common Open Space

- a. The location, shape, size, and character of the common open space shall be provided in a manner consistent with the objectives set forth for PRD in this Ordinance, and suitable for active and passive recreation.
- b. Whenever possible, common open space shall be designed as a contiguous area interspaced with residential areas to provide pedestrian and visual access.
- c. Significant natural features such as woodland areas, large trees, and scenic views shall be incorporated into common open space areas whenever possible.
- d. Development of the PRD must be planned so as to coordinate the establishment of common open space areas and the construction of dwelling units.

(4) Streets

- a. The street system of the PRD shall be designed so as to relate harmoniously with land uses within and adjacent to the PRD through the establishment of a hierarchy of roadway functions which includes collector and local streets, to create a separation of automobile and pedestrian traffic through the coordinated design of streets, dwelling units, common open space areas, and pedestrian walkways, to create

efficient and safe connections with the existing street system of the Borough, and to minimize through traffic in residential areas.

- b. The street right-of-way and cartway widths and curbs and sidewalks shall be as specified by this Borough Subdivision and Land Development Ordinance.
- c. The design and construction of streets must conform to the standards set forth in this Borough Subdivision and Land Development Ordinance relative to paving specifications, cartway design, horizontal and vertical alignment and sight distances.

(5) Parking

- a. Parking shall be in accordance with the Borough Zoning Ordinance.
- b. Parking areas shall be arranged so as to prevent through traffic to other parking areas and shall be of a size which prevents large, expansive parking lots.
- c. Parking areas shall be landscaped.
- d. The construction of off-street parking areas must be in conformance with standards set forth in this Borough Subdivision and Land Development Ordinance.

(6) Lighting

- a. All streets, off-street parking areas, and areas of intensive pedestrian use shall be adequately lighted in accordance with the requirements of this Ordinance. All costs shall be the responsibility of the developer.

(7) Soil Erosion Control and Storm Drainage

- a. Soil erosion control and storm drainage shall be specified and approved by the Head of Borough Engineering Service, or other officials as designated, in accordance with applicable Borough ordinances.

(8) Tree Conservation and Landscaping

- a. Existing trees shall be preserved wherever possible. The protection of trees six (6) inches or more in diameter (measured at a height four and one-half (4-1/2) feet above the original grade) shall be a factor in determining the location of open space, structures, underground utilities, walks, and paved areas.

- b. Where extensive natural tree cover and vegetation does not exist and cannot be preserved, landscaping shall be regarded as an essential feature of the PRD. In these cases, extensive landscaping shall be undertaken to enhance appearance, aid in erosion control, provide protection from wind and sun, screen streets and parking areas, and enhance the privacy of dwelling units.
- c. Street trees shall be provided along all streets.

X-5 OTHER SITE DESIGN PROVISIONS.

- X-5-1 Telephone, electric, and cable TV utilities shall be installed underground.
- X-5-2 Refuse stations to serve residential, recreational, and commercial areas shall be designed with suitable screening, and located so as to be convenient for trash removal and not offensive to nearby residential areas.
- X-5-3 All improvements required by this Borough Subdivision and Land Development Ordinance shall be provided. With the exception of standards explicitly set forth in this PRD section, site improvements shall conform to standards otherwise set forth in this Borough Subdivision and Land Development Ordinance.
- X-5-4 Construction of all required improvements in a PRD shall be guaranteed pursuant to an improvements agreement and performance guarantee with the Borough as specified in this Borough Subdivision and Land Development Ordinance.

X-6 OWNERSHIP, MAINTENANCE AND PRESERVATION OF COMMON OPEN SPACE.

- X-6-1 The developer shall make provisions which insure that the common open space land shall remain in perpetuity and be properly maintained. The developer shall provide for and establish an organization for the ownership, maintenance, and preservation of open space which shall conform to the following standards and procedures:
 - (1) The organization shall be established by the developer before the sale or rental of dwelling units. Documents relating to the organization shall be approved by the Borough prior to the granting of Final Plan approval.
 - (2) The form, financial capability, rules of membership, and methods of cost assessment of the organization shall be devised so as to insure the successful fulfillment of the maintenance, preservation, and improvement responsibilities of the organization.
 - (3) The organization responsible for maintenance, preservation, and improvement of common open space areas shall be the sole owner of the common open space lands.
 - (4) In the event that the organization established to own and maintain a common open space of any successor organization, shall at any time after establishment of the Planned Residential Development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the

Borough may serve written notice upon such organization, or upon the residents of the Planned Residential Development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice.

- (5) At such hearing the Borough may modify the terms of the original notice as to the deficiencies and may be given an extension of time within which they shall be corrected.
- (6) If the deficiencies set forth in the original notice or in the modifications thereof are not corrected within 30 days or any extension thereof, the Borough may take actions authorized by the Municipalities Planning Code.

X-7 DEVELOPMENT STAGING

X-7-1 A Planned Residential Development may be developed in stages if the following standards are met:

- (1) The location and approximate time of construction of each stage are clearly marked on the development plan and approved by the Borough.
- (2) The stages are completed consistent with the development plan and are of such size and location that they constitute economically sound units of development.

X-8 PROCEDURAL REQUIREMENTS

X-8-1 Pre-Application Consultation

- (1) Prior to the preparation and submission of an Application for Tentative Approval, a pre-application consultation meeting shall be held with the Borough Planning Commission. The purpose of this informal meeting is to discuss the general intent of the landowner, to consider relationships to the Borough Comprehensive Plan, and to outline the approval process and the specific requirements for plan preparation and submission. No statement or representation of the Borough Planning Commission shall be binding on the Borough. It is required that a sketch plan be submitted showing at least the following information:
 - a. Tract boundaries and north point.
 - b. Streets on and adjacent to the tract.
 - c. Significant natural features.
 - d. Proposed general street layout, open space layout, general land use pattern and general lot and building arrangement.

e. Tract acreage.

- (2) The Borough Planning Commission may specify required documentation to accompany submission for tentative plan application at this time.

X-8-2 Application for Tentative Approval

- (1) The application for tentative approval shall be executed by or on behalf of the landowner and filed with the Borough Engineer. An initial deposit as established by resolution of Borough Council shall be paid upon filing of the application to be applied against the expenses of processing the application and additional deposits made from time to time as requested by the Borough, not to exceed actual expenses incurred by the Borough.
- (2) The application for tentative approval shall include documentation illustrating compliance with all of the standards for PRD set forth in this Section, include documentation required by the Borough Planning Commission and include all information and documents required for a preliminary plan by this Borough Subdivision and Land Development Ordinance, and shall constitute the development plan for the Planned Residential Development.
- (3) One (1) copy of every application for tentative approval received by the Borough shall be promptly forwarded to the County Planning Commission for study and recommendation as required by law. The County Planning Commission shall review and report upon the application to the Borough within thirty (30) days of such referral.

X-8-3 Public Hearings

Borough and County reviews and public hearings for tentative plan approval and final plan approval shall be conducted in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code.

X-8-4 Findings

- (1) The Borough Council, within 60 days following the conclusion of the public hearing or within 180 days after the date of filing of the application, whichever occurs first, shall, by official written communication, to the landowner, either:
- a. grant tentative approval of the development plan as submitted;
 - b. grant tentative approval subject to specified conditions not included in the development plan as submitted; or
 - c. deny tentative approval to the development plan.

Failure to so act within said period shall be deemed to be a grant of tentative approval of the development plan as submitted. In the event, however that tentative approval is granted subject to conditions, the landowner may, within 30

days after receiving a copy of the official written communication of the Borough Council notify such Borough Council of his refusal to accept all said conditions, in which case, the Borough Council shall be deemed to have denied tentative approval of the development plan. In the event the landowner does not, within said period, notify the Borough Council of his refusal to accept all said conditions, tentative approval of the development plan, with all said conditions, shall stand as granted.

- (2) The grant or denial of tentative approval by official written communication shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for the denial, and said communication shall set forth with particularity in what respects the development plan would or would not be in the public interest, including, but not limited to, findings of fact and conclusions on the following:
 - a. in those respects in which the development plan is or is not consistent with the comprehensive plan for the development of the Borough;
 - b. the extent to which the development plan departs from zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, bulk and use, and the reasons why such departures are or are not deemed to be in the public interest;
 - c. the purpose, location and amount of the common open space in the planned residential development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development;
 - d. the physical design of the development plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment;
 - e. the relationship, beneficial or adverse, of the proposed planned residential development to the neighborhood in which it is proposed to be established; and
 - f. if the case of a development plan which proposed development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public and of the residents of the planned residential development in the integrity of the development plan.
- (3) In the event a development plan is granted tentative approval, with or without conditions, the Borough Council may set forth in the official written communication the time within which an application for final approval of the development plan shall be filed or, in the case of a development plan which provides for development over a period of years, the periods of time within which

applications for final approval of each part thereof shall be filed. Except upon the consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three months and, in the case of developments over a period of years, the time between applications for final approval of each part of a plan shall be not less than 12 months.

X-8-5 Application for Final Approval

An application for final approval may be for all the land included in a development plan or, to the extent set forth in the tentative approval, a section thereof. Said application shall be made to the Borough within the time or times specified by the official written communication regarding the tentative plan. If the application for final approval is in compliance with the tentatively approved development plan and any conditions of tentative approval, a public hearing shall not be required.

The application for final approval shall include all requirements for a final plan specified in this Borough Subdivision and Land Development Ordinance and any documentation required by the tentative approval.

X-8-6 Guarantee of Improvements

Guarantee for improvements and an improvements agreement shall be submitted in accordance with this Borough Subdivision and Land Development Ordinance.

X-8-7 Procedures after Application for Final Approval

- (1) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this ordinance and the official written communication of tentative approval, the Borough shall, within 45 days from the date of the regular meeting or the Borough Council or the Planning Commission, whichever first reviews the application, next following the date the application is filed, grant such development plan final approval. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed.
- (2) In the event the development plan as submitted contains variations from the development plan given tentative approval, the Borough Council may refuse to grant final approval and shall, within 45 days from the date of the regular meeting of the Council or the Planning Commission, whichever first reviews the application, next following the date the application is filed, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed. In the event of such refusal, the landowner may either:

- a. refile his application for final approval without the variations objected; or
- b. file a written request with the Borough Council that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner described in this article for public hearings on applications for tentative approval. Within 30 days after the conclusion of the hearing, the Borough Council shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this article. Failure of the Borough Council to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner or presentation of communication shall have like effect.

ARTICLE XI

ADMINISTRATION

XI-1 MODIFICATIONS

- XI-1-1 Borough Council may grant a modification of the requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.
- XI-1-2 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 and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- XI-1-3 The request for modification may be referred to the Planning Commission for advisory comments.

XI-1-4 Borough Council shall keep a written record of all action on all requests for modifications.

XI-1-5 Any subdivision or land development occurring within a floodplain as identified in the Borough Floodplain Management Ordinance, as amended from time to time, shall be in strict conformity with the provisions of the Subdivision and Land Development Ordinance and the Floodplain Management Ordinance.

(1) Modifications within Floodplain Districts

- a. General. If literal compliance with any of this Ordinance's requirements or the Subdivision and Land Development requirements contained within the Floodplain Management Ordinance would result in an excessive hardship, upon any prospective builder, developer, or landowner, the Borough Council may, upon written request, grant relief from the requirement in question. Notwithstanding any of the following procedures, all structures shall be designed and constructed to withstand the one hundred (100) year flood.
- b. Procedures. Requests for modification of requirements of this Ordinance or the Floodplain Management Ordinance shall be reviewed by the Borough in accordance with the special considerations of Section 85, Subsection C.(1)(f) of the Borough Zoning Ordinance.

XI-2 SEVERABILITY AND CONFLICTS

XI-2-1 Should any action or provision of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any section or provision of the Ordinance than the one so declared.

XI-2-2 Whenever there is a conflict between the minimum standards or requirements set forth in this Ordinance and those contained in other Borough ordinances and regulations, or other applicable laws and regulations, the most stringent standards or requirements shall apply.

XI-3 AMENDMENTS

Amendments to the Subdivision and Land Development Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a subdivision and land development ordinance by the Pennsylvania Municipalities Planning Code. In addition, in case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission for recommendations at least forty (40) days prior to the date fixed for the public hearing on such proposed amendment.

XI-4 FEES

A fee in compliance with the fee schedule adopted from time to time by resolution by the Borough Council shall be paid by the developer to the Borough for each plat to cover the cost of considering, examining, and checking the plat as required by this Ordinance.

XI-5 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment as provided for in the Pennsylvania Municipalities Planning Code plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. 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 district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance 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 district justice and thereafter each day that a violation continues shall constitute a separate violation.

The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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.

XI-6 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 this Ordinance. This authority to deny such a 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 a 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.
- d. 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. As an additional condition for issuance of a permit or the granting or 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.

XI-7 REPEALER

All Borough Subdivision and Land Development Ordinances or parts of such Ordinances in conflict with or inconsistent with this Subdivision and Land Development Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

XI-8 APPEALS

Appeals shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

XI-9 EFFECTIVE DATE

This Ordinance shall go into effect _____ .

Enacted into an ordinance this ____ day of _____, 2017.

President of Council

Attest:

Secretary to Council

Approved by the Mayor this ____ day of _____, 2017.

Mayor

