

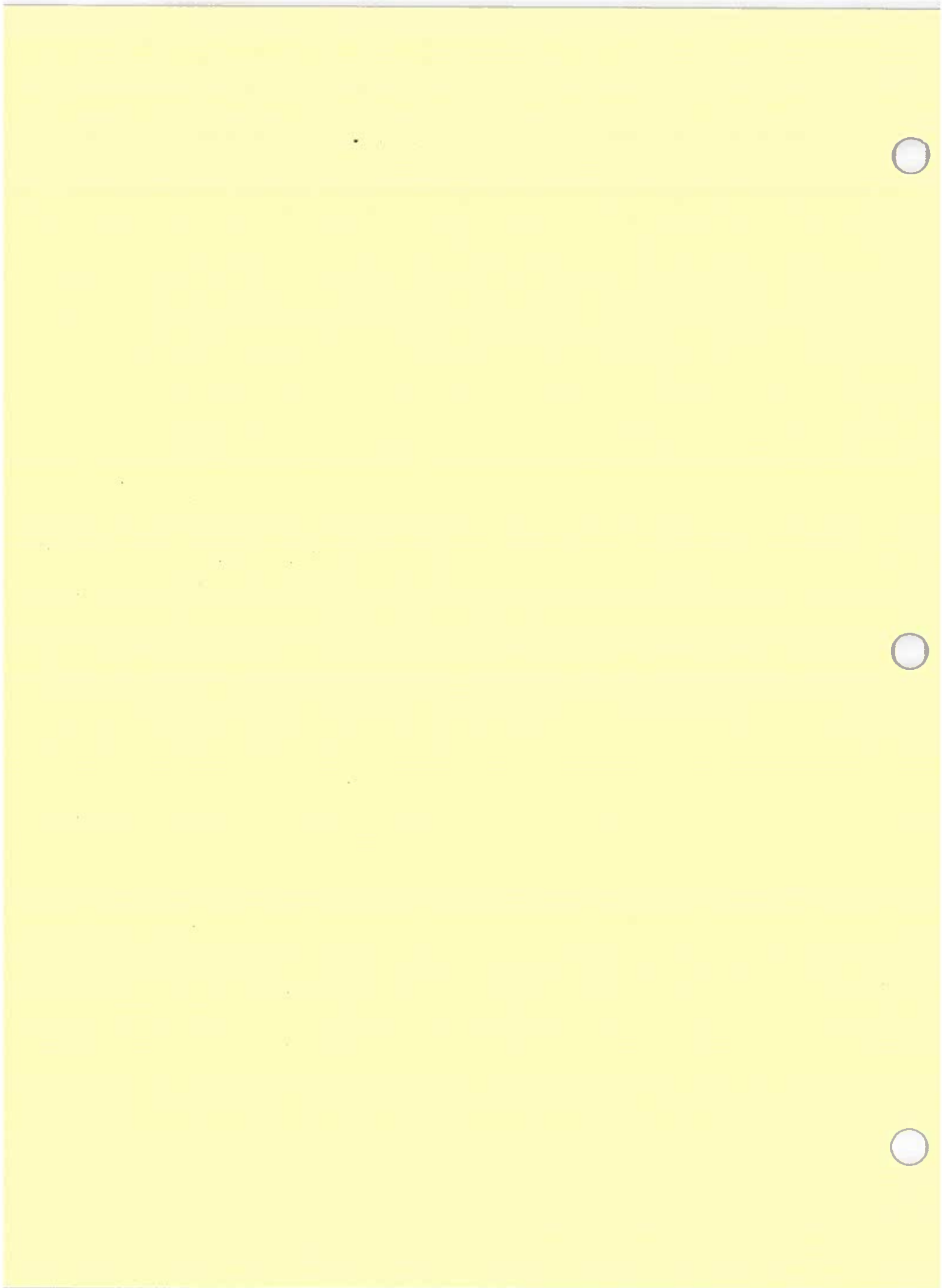
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**SUBDIVISION AND LAND  
DEVELOPMENT ORDINANCE  
BOROUGH OF MERCERSBURG**

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**FRANKLIN COUNTY, PENNSYLVANIA**

Adopted by the Borough Council of Mercersburg Borough Council on  
January 9, 1995.



DEVELOPED UNDER THE DIRECTION  
OF THE FOLLOWING BOROUGH OF MERCERSBURG OFFICIALS  
1993-1994:

BOROUGH COUNCIL

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Delores Price, Vice-President  
Thomas Suddeth  
Richard Rice  
Judith Gossert  
John Pentz  
Ed Twine  
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Judith Chambers

BOROUGH ENGINEERS

Associated Engineering

PLANNING & ZONING CONSULTANT

Urban Research and Development Corporation  
Bethlehem, Pennsylvania

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The first part of the document  
 discusses the importance of  
 maintaining accurate records  
 and the role of the  
 committee in this regard.

It is noted that the  
 committee has been  
 working on this matter  
 for some time.

The committee has  
 received several  
 reports from the  
 various departments.

It is recommended  
 that the committee  
 continue to monitor  
 the situation.

The committee will  
 be meeting again  
 next week to discuss  
 the progress.

Thank you for your  
 attention to this  
 matter.



**TITLE AND ENACTMENT**  
**BOROUGH OF MERCERSBURG**  
**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

1. **TITLE** An Ordinance providing for the regulation and control of the subdivision of lots and the development of land; the approval of plans, plots, or replots of land laid out in building lots; standards for the design of streets, lots, easements, blocks and other improvements; certain minimum improvements and construction standards on all streets and required dedications; the administration of this Ordinance by the Borough Planning Commission and Borough Council; and penalties for the violation of this Ordinance.
2. **SHORT TITLE**. This Ordinance shall be known and may be cited as "The Borough of Mercersburg Subdivision and Land Development Ordinance" of 199 .
3. **SEVERABILITY**. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not effect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Borough reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.
4. **REPEALER**. All other Borough ordinances or parts thereof that were adopted prior to this Ordinance and are clearly in conflict with this Ordinance, including the pre-existing Borough of Mercersburg Subdivision and Land Development Ordinance, as amended.
5. **ENACTMENT AND EFFECTIVE DATE**. Under the authority of the PA. Municipalities Planning Code, as amended, the Borough Council of the Borough of Mercersburg hereby enacts and ordains into an Ordinance the attached document this date of \_\_\_\_\_, 199\_\_\_. This Ordinance shall become effective 5 days after being approved.

Date of Borough Council Hearing \_\_\_\_\_, 199\_\_

Date of Adoption by Council \_\_\_\_\_, 199\_\_

Borough Council of Mercersburg

-----  
President

-----  
Mayor

\_\_\_\_\_  
Attest, Borough Secretary

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

PHYSICAL CHEMISTRY LABORATORY

1. The first part of the experiment is devoted to the study of the temperature dependence of the rate constant for the reaction of hydrogen peroxide with iodide ions in the presence of ceric ions as a catalyst. The reaction is carried out in a series of solutions of known concentrations of the reactants and the catalyst. The rate of reaction is measured by the appearance of a color due to the formation of iodine. The rate constant is determined from the initial rate method and the Arrhenius equation is used to determine the activation energy of the reaction.

2. The second part of the experiment is devoted to the study of the effect of the concentration of the reactants on the rate of reaction. The reaction is carried out in a series of solutions of known concentrations of the reactants and the catalyst. The rate of reaction is measured by the appearance of a color due to the formation of iodine. The rate constant is determined from the initial rate method and the effect of the concentration of the reactants on the rate of reaction is studied.

3. The third part of the experiment is devoted to the study of the effect of the concentration of the catalyst on the rate of reaction. The reaction is carried out in a series of solutions of known concentrations of the reactants and the catalyst. The rate of reaction is measured by the appearance of a color due to the formation of iodine. The rate constant is determined from the initial rate method and the effect of the concentration of the catalyst on the rate of reaction is studied.

4. The fourth part of the experiment is devoted to the study of the effect of the concentration of the reactants on the rate of reaction. The reaction is carried out in a series of solutions of known concentrations of the reactants and the catalyst. The rate of reaction is measured by the appearance of a color due to the formation of iodine. The rate constant is determined from the initial rate method and the effect of the concentration of the reactants on the rate of reaction is studied.

5. The fifth part of the experiment is devoted to the study of the effect of the concentration of the catalyst on the rate of reaction. The reaction is carried out in a series of solutions of known concentrations of the reactants and the catalyst. The rate of reaction is measured by the appearance of a color due to the formation of iodine. The rate constant is determined from the initial rate method and the effect of the concentration of the catalyst on the rate of reaction is studied.

6. The sixth part of the experiment is devoted to the study of the effect of the concentration of the reactants on the rate of reaction. The reaction is carried out in a series of solutions of known concentrations of the reactants and the catalyst. The rate of reaction is measured by the appearance of a color due to the formation of iodine. The rate constant is determined from the initial rate method and the effect of the concentration of the reactants on the rate of reaction is studied.

7. The seventh part of the experiment is devoted to the study of the effect of the concentration of the catalyst on the rate of reaction. The reaction is carried out in a series of solutions of known concentrations of the reactants and the catalyst. The rate of reaction is measured by the appearance of a color due to the formation of iodine. The rate constant is determined from the initial rate method and the effect of the concentration of the catalyst on the rate of reaction is studied.

8. The eighth part of the experiment is devoted to the study of the effect of the concentration of the reactants on the rate of reaction. The reaction is carried out in a series of solutions of known concentrations of the reactants and the catalyst. The rate of reaction is measured by the appearance of a color due to the formation of iodine. The rate constant is determined from the initial rate method and the effect of the concentration of the reactants on the rate of reaction is studied.

9. The ninth part of the experiment is devoted to the study of the effect of the concentration of the catalyst on the rate of reaction. The reaction is carried out in a series of solutions of known concentrations of the reactants and the catalyst. The rate of reaction is measured by the appearance of a color due to the formation of iodine. The rate constant is determined from the initial rate method and the effect of the concentration of the catalyst on the rate of reaction is studied.

## ARTICLE I

### GENERAL PROVISIONS

101. **PURPOSES.** The purpose of these regulations is to create conditions favorable to the health, safety, morals, and general welfare of the citizens by:

Assisting in the orderly and efficient integration of subdivisions; Ensuring conformance of subdivision plans with the public improvements plans of the Borough; Ensuring sites suitable for building purposes and human habitation; Facilitating the efficient movement of traffic and avoiding traffic hazards and congestion; Securing equitable handling of all subdivision plans by providing uniform procedures and standards; Improving land records by establishing standards for surveys and plans; Safeguarding the interests of the public, the homeowner, the subdivider and all municipalities; Preserving natural and historic features; Serving all other purposes authorized for a Subdivision and Land Development Ordinance by the PA. Municipalities Planning Code; and Carrying out the goals and objectives of the Comprehensive Plan.

102. **APPLICABILITY**

102.A. No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer main, water main or other improvements required in connection with a proposed subdivision or land development shall be laid out, constructed, opened or dedicated for use of the public or the occupants of the proposed subdivision or land development, except in accordance with this Ordinance.

102.B. A lot or parcel that was not a legal lot of record prior to adoption of this Ordinance shall not be created, sold or transferred, and no land development may occur on a lot unless and until:

1. the subdivision of the lot and/or the approval of the land development as applicable has been granted Final Plan approval and any subdivision has been recorded and
2. either of the following occurs:
  - a. the Borough has been assured by means of adequate financial security as provided in Section 801 of this Ordinance to guarantee that the improvements will subsequently be correctly installed or
  - b. all required improvements in connection with the subdivision or land development are entirely completed in advance, as provided in Section 801.

102.C. **Landowner.** No subdivision or land development shall be submitted to the Borough for review except by the landowner of such land or his/her specifically authorized agent (see definition of "landowner" in Article II, which includes equitable owner).

103. **PA. PLANNING CODE AMENDMENTS.** The provisions of this Ordinance that only repeat, summarize or reference provisions of the PA. Municipalities Planning Code shall be deemed to be automatically superceded and replaced by any applicable amendments to such provisions of the PA. Municipalities Planning Code at the date such amendments become effective as State law.

104. LAND DEVELOPMENT REQUIREMENTS. See Section 502 regarding the requirements for a "land development."

105. EXEMPTIONS.

105.A. Agriculture. The subdivision by lease of land for agricultural purposes into parcels of more than 10 acres which does not involve any new street or access easement or non-agricultural building shall be exempted from the regulations of this Ordinance.

105.B. Revisions to Borough Regulations After Approval of a Development.

1. From the time an application for approval of a plan, whether preliminary or final, has been approved or approved subject to conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to adversely affect the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within 5 years from such approval.
2. If final plan approval is preceded by preliminary plan approval, the 5 year period shall be counted from the date of the preliminary plan approval.

106. INTERPRETATION.

106.A. Differing Provisions. Where two or more provisions of this Ordinance apply to the same situation, or where a provision of this Ordinance regulates the same matter as another Borough Ordinance or a Federal or State statute or regulation, then more restrictive requirement shall apply, regardless of its source, unless specified to the contrary.

106.B. Illustrations. The illustrations in this Ordinance are provided only for general illustrative purposes, and are not part of the regulations of this Ordinance.

107. MODIFICATIONS AND EXCEPTIONS.

107.A. An applicant seeking a modification or exception to this Ordinance shall submit to the Borough staff a request in writing that states: a) the specific Ordinance section(s) involved and b) the reasons for the request. The staff may provide the request to the Planning Commission for a recommendation. Borough Council may in writing grant a waiver or modifications to the specific requirements of this Ordinance.

107.B. The applicant must prove that the request will meet one or more of the following conditions:

1. avoid an undue hardship that was not self-created and that results from the peculiar and uncommon conditions of the property, or
2. avoid an unreasonable or unnecessary requirement that would not serve any valid public purpose, or
3. allow an alternative standard that is clearly proven by the applicant to provide equal or better results, or
4. allow a layout or improvements that would clearly be more in the public interest than what would occur if the modification were not granted or
5. remove a requirement that is not applicable, such as because of the small size of the proposed subdivision or land development.

108. FEES.

- 108.A. Borough Council has established a written schedule of fees for all applications and other matters pertaining to this Ordinance.
- 108.B. The applicant is also required to pay any review fees required by the County Planning Commission and the County Conservation District, and any other applicable agencies.
- 108.C. Plans shall not be considered filed until all fees are paid and the applications are properly signed as required.
- 108.D. If the expenses of the Borough for reviews of a subdivision or land development exceed the total fees that have been paid or placed in escrow by an applicant, such excess expenses shall be paid by the applicant prior to release of the Final Plans by the Borough for recording.

109. REVISIONS, ALTERNATE PLANS AND RESUBDIVISIONS.

109.A. Alternate Plans. Only one plan concerning any one area of land shall be before the Borough for review at any one moment in time, unless the Planning Commission specifically permits simultaneous review of alternative plans. When an alternative plan is permitted, a new submission fee shall be required, unless the Planning Commission determines that the alternative plan is not significantly different from the earlier submission.

109.B. Revisions and Resubdivisions.

- 1. Revised Plans. Until a submission is approved or rejected by the Planning Commission, the Applicant may withdraw the submission and submit a Revised Plan following the submission and review procedures which apply to that Plan. For any submittal of a revision of a previously submitted plan, the Borough may require the applicant to submit additional fees if needed based upon the Borough's expenditures on the review up to that time.
  - a. If the Planning Commission determines that a revised plan for a subdivision or land development that is being reviewed constitutes a significant change from the previous submittal, then the Planning Commission may at a regular meeting determine that the revised plan shall be considered a new submittal, and the 90 day maximum time period for Borough approval shall re-start after the first regular Planning Commission meeting after such revised submittal.
- 2. A revision or resubdivision of a Final Plan approved by the Planning Commission shall be considered as a new subdivision and shall comply with all of the regulations of this Ordinance. For changes only involving lot line adjustments or minor corrections, see the simpler provisions of Article VII.

110. RECORDS. The Borough shall maintain records of the decisions of the Planning Commission regarding all subdivision and land development plans. Such records shall be available to the public for review.

111. AMENDMENTS.

- 111.A. The regulations set forth in this Ordinance may, from time to time, be amended by Borough Council, following the procedures of the PA. Municipalities Planning Code, as amended, including a Borough Council public hearing.
- 111.B. **Reviews.** The Borough staff shall submit each proposed amendment (other than an amendment prepared by or under the direction of the Planning Commission) to the Planning Commission for recommendations at least 30 days prior to the date set for the Borough Council public hearing. Also, the Borough Staff shall submit any proposed amendment to the County Planning Commission at least 30 days before the public hearing on such amendments.
- 111.C. **Public Notice.** The Borough Staff shall publish the proposed amendment in a newspaper of general circulation, within the requirements of the PA. Municipalities Planning Code. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary. If the full text is not published, then a copy shall be supplied to a newspaper of general circulation and a copy shall be filed in the County Law Library.
- 111.D. **Changes.** In the event substantial changes are made in the proposed amendment after the hearing, then before voting upon enactment, Borough Council shall, at least 10 days prior to enactment readvertise in one newspaper of general circulation a summary of the changes.
112. **APPEALS TO COURTS.** Decisions of the Planning Commission may be appealed in accordance with the PA. Municipalities Planning Code, as amended.
113. **ENFORCEMENT.**
- 113.A. **Enforcement and Inspections.** This Ordinance shall be administered and enforced by the Borough Manager and/or staff-persons designated by the Borough Manager, unless Borough Council authorizes different or additional persons to enforce and administer this Ordinance. Any action under this Ordinance is subject to on-site inspection by the Borough or its authorized representatives to ensure compliance with this Ordinance, other Borough Ordinances and the approved plans.
- 113.B. **Remedies.** Any action inconsistent with the provisions of this Ordinance shall be subject to a cease and desist order and other appropriate measures by Borough Council or their authorized representatives. The enforcement provisions of the PA. Municipalities Planning Code, as amended, shall apply.
114. **PENALTIES.**
- 114.A. Any person, partnership or corporation who or which has violated any provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by Borough Council or their authorized representatives, pay fines and fees as authorized by the PA. Municipalities Planning Code. These violations shall include, but not be limited to, actions listed under Section 102 "Applicability" without following the applicable procedures of this Ordinance.
- 114.B. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

115. **LIABILITY.** Neither the approval nor the granting of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, zoning permit, erosion review, storm water runoff review, wetland delineation or wetland review, steep slope review or any other review or permit of this Ordinance, involving any land governed by the provisions of this Ordinance, by an officer, solicitor, employee, consultant or agency of the Borough, shall constitute a representation, guarantee or warranty of any kind by the Borough or its employees, consultants, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon, nor a cause of action against any Borough body, consultant, official or employee for any damage that may result pursuant thereto.

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## ARTICLE II DEFINITIONS

### 201. GENERAL INTERPRETATION.

- 201.A. For the purposes of this Ordinance, words and terms used herein shall be interpreted as listed in Section 202 of this Ordinance.
- 201.B. **If a word is not defined by this Ordinance, but is defined by the Zoning Ordinance as amended, the Zoning Ordinance definition shall apply. If a word is not defined by this Ordinance, but is defined by the Borough Stormwater Ordinance, then the Stormwater Ordinance shall apply.**
- 201.C. The word "includes" shall mean to specifically include an item but not necessarily limited to such items.
- 201.D. Any word or term not defined in this Ordinance or the Zoning Ordinance or the Stormwater Ordinance shall have its plain and ordinary meaning as determined by the Plans Administrator, within the context of the word's use within the applicable section of this Ordinance. A standard reference dictionary may be consulted.

### 202. DEFINITIONS. When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Applicant. A landowner or developer who has filed an application for a subdivision or land development, including his/her heirs, successors and assignees.

Block. A tract of land or a lot or group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses or bodies of water, boundary lines of the Borough or by any combination of the above.

Borough. The Borough of Mercersburg, Franklin County, Pennsylvania. Unless otherwise stated, this shall mean Borough Council and their authorized agents.

Borough Council. The Borough Council of the Borough of Mercersburg.

Cartway. The paved portion of a street or highway designed for vehicular traffic and paved areas intended for on-street parking.

Commission. The Planning Commission of Borough of Mercersburg.

Days. Calendar days.

DER. The Pennsylvania Department of Environmental Resources, or its applicable successor agencies.

Developer (Subdivider). Any landowner, agent of such landowner or tenant with permission from a landowner, who makes or causes to be made a subdivision of land or land development.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land, as well as sewage disposal systems and water supply systems.

**Easement.** A grant by the property owner to the public, a corporation, a person, group of persons or another tract of land of a use of land for specified purposes.

**Engineer, Borough.** The registered professional engineer designated by Borough Council to perform all duties required of the Borough Engineer by the provisions of this Ordinance.

**Improvement Agreement.** An agreement in a form and manner acceptable to Borough requiring a developer to install the improvements required by this Ordinance or which appear on the official approved plans.

**Land Development.** The improvement of 1 or more contiguous lots, tracts or parcels of land for any purpose involving either or both of the following:

1. A group of 2 or more residential or nonresidential principal buildings, whether proposed initially or cumulatively, or a single principal non-residential building on a lot or lots regardless of the number of occupants or tenure, or
2. The division or allocation of land or space, whether initially or cumulatively, between or among 2 or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.

For the purposes of this Ordinance, the following shall specifically not by itself be considered a "land development": the conversion of an existing building to create a maximum of 3 new dwelling units, provided all requirements of other Borough ordinances are complied with.

**Landowner.** The owner of a legal or equitable interest in land, including the holder of a formal option or contract to purchase (whether or not such option or contract is subject to any condition), a leasee (if he is authorized under the lease to exercise the right of the landowner), or other person having a substantial proprietary interest in land.

**Lot.** A contiguous area of land within defined lot lines that is a distinct and legally recorded separate parcel of land according to the official records of the County Recorder of Deeds.

**Lot Line Adjustment.** The revision or deletion of one or more lotlines in such a way that all of the following are true:

- A. no additional lot(s) will be created beyond what was previously approved,
- B. no additional street segments or significant changes in alignment are proposed other than what was previously approved,
- C. no additional new non-conformities will be created under the Borough Zoning Ordinance and
- D. no new land development will occur other than a land development that was previously approved or buildings to support "crop farming."

**Lot, Reverse Frontage.** A lot that abuts a public street on one side of the lot, but has vehicular access only from a public street on the opposite side of the lot.

**Maintenance Agreement.** An agreement in a form and manner acceptable to Borough Council requiring the developer of required improvements to make any repairs or reconstructions and to maintain such improvements for a certain period.

**Maintenance Guarantee.** Financial security which is acceptable to the Borough to secure the promise made by a developer in the Maintenance Agreement that required improvements shall be maintained by the developer. (Note: These guarantees typically include acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements).

**Major Subdivision.** See Subdivision, Major.

**Minor Subdivision.** See Subdivision, Minor.

**Mobile Home Space.** An area of land in a mobile home park improved with the utilities and other improvements needed for the placement of a single mobile home, with the land leased or rented by the park owner to the occupants of the mobile home.

**Municipalities Planning Code.** The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, and as may be further amended, or its successor legislation.

**One Hundred Year Flood.** A flood that, on the average, is likely to occur every 100 years, (such as that has a 1 percent chance of occurring each year, although the flood may occur in any year).

**Open Space.** The area of a lot unoccupied by principal or accessory structures, streets, driveways, parking areas; but may include areas occupied by walkways, picnic pavillions, play equipment and other areas occupied by noncommercial outdoor recreation facilities.

**Open Space, Common.** The definition in the Borough Zoning Ordinance shall apply.

**Open Space, Public.** Common open space owned by a government agency or the Borough for public recreation.

**Ordinance, This.** The Borough of Mercersburg Subdivision & Land Development Ordinance, as amended, and any provisions thereof, enacted by Borough Council.

**Parcel.** A tract, lot, or area of land.

**Parking.** Outdoor areas or specially designed buildings or garages used for the storage of vehicles. Unless otherwise stated, shall mean off-street parking.

**Pathway.** A pedestrian accessway which is not adjacent to a street or access drive and conforms with this Ordinance.

**PennDOT.** The Pennsylvania Department of Transportation.

**Performance Guarantee.** Financial security which is acceptable to Borough Council to ensure that the developer will install required improvements. (Note: This typically includes acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements).

**Plan.** A map of a land development or subdivision and accompanying notations.

1. **Sketch Plan.** An informal plan, identified with the title "Sketch Plan" on the map, indicating the general layout of the proposed subdivision or land development.
2. **Preliminary Plan.** A complete plan identified with the title "Preliminary Plan" accurately showing proposed streets and lot layout and such other information as required by this Ordinance.
3. **Final Plan.** A complete and exact plan identified with the title "Final Plan" including the plan prepared for official recording as required by this Ordinance to define property rights and proposed streets and other improvements.

**Planning Commission.** See "Commission."

**Plans Administrator.** The Borough staff-person charged by Borough Council with the primary responsibility to administer the procedures of this Ordinance. Such staff-person shall be the Borough Manager of the Borough of Mercersburg until and unless Borough Council may designate a different person.

**Public Meeting, Regular Planning Commission.** Shall mean a regular meeting of the Planning Commission at which the Commission is authorized to conduct official action and which has been scheduled based upon an annual meeting schedule (as may be adjusted by the Chairperson) and which is not a workshop meeting or the official public meeting on an ordinance amendment.

**Public Notice.** As defined by the PA. Municipalities Planning Code. (As of 1994, this included the following definition: "Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.")

**Regulatory Flood Elevation.** The 100-Year Flood elevation plus a freeboard safety factor of 1 1/2 feet.

**Sewage Disposal System.** A system designed to collect, treat and dispose of sewage from users in compliance with regulations of PA. DER and the Borough.

1. **Central Sewage Service.** Service by a sewage disposal system which collects, treats and disposes sewage from more than 1 dwelling, principal use or lot.
  - a. **Public Sewage Service.** Central sewage service with the mains and the treatment facility owned by a municipality, a public authority or the County.
  - b. **Private Central Sewage Service.** Central sewage service that does not meet the definition of "public sewage service."

**Sidewalk.** A pedestrian accessway which is adjacent to a street or access drive and conforms to the regulations of this Ordinance.

**Soil Conservation District.** The Franklin County Conservation District.

**Soil Survey.** The latest version of the official Soil Survey of Franklin County, published by the U.S. Soil Conservation Service, or its successor reference.

**State.** The government of the Commonwealth of Pennsylvania and its relevant subparts.

**State Planning Code.** See "Municipalities Planning Code."

**Street.** A public or private thoroughfare which affords the principal means of access to abutting property, but not including an alley or a driveway.

**Street Classification.** See the Official Street Classification Map, which was adopted as part of the Borough Zoning Ordinance. This Map classifies streets as Arterial, Collector or Local Streets.

**Street, Cul-de-sac.** A type of street which is terminated at one end by a permitted turn-around and which intersects another street at the other end.

**Street, Marginal Access.** A type of local street which is parallel and adjacent to collector or arterial streets and provides access to abutting properties.

**Subdivider.** See "Developer."

**Subdivision.** As defined by the PA. Municipalities Planning Code, as amended.  
(As of 1994, this definition was as follows:

1. The division or redivision of a lot, tract or parcel of land by any means into 2 or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.
2. The subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or residential dwellings is not a subdivision.)

**Subdivision, Major.** Any subdivision of land which does not qualify as a "minor subdivision."

**Subdivision, Minor.** A proposal involving land, other than a land development, which is either:

1. a "lot line adjustment" or
2. a subdivision:
  - a. that results in only 1 new additional residential lots, or only 1 new additional clearly agricultural lots of more than 10 acres each, in addition to the one pre-existing "parent" lot and
  - b. which does not involve an extension or new segment of a street (other than what was previously approved).

**Subdivision Ordinance.** The Borough of Mercersburg Subdivision and Land Development Ordinance, as amended.

**Substantially Completed.** In the judgment of the Borough Engineer at least 90 percent (based upon the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval 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.

**Watercourse.** Any natural or artificial waterway, stream, river, creek, ditch, channel, millrace, canal, conduit, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel and bed and shall include any area adjacent thereto subject to inundation by reason of overflow of floodwaters.

**Water, Central System or Service.** Service by a water system which transmit water from a common source to more than 1 dwelling, principal use or lot.

A. **Water, Public System or Service.** Central water service that is owned and/or operated by a Municipal Authority or a PA. PUC regulated water company and that serves more than 50 dwelling units or principal uses.

## ARTICLE III

### OVERVIEW OF GENERAL PROCEDURES

301. PURPOSE. This Article summarizes the general procedures for the submission and review of proposed subdivisions and land developments. This Article is only a general explanation and is not binding on the Borough or an Applicant. See the actual provisions of the other Articles of this Ordinance. Two flowcharts are included at the end of this Article to show the general process for Major and Minor Subdivisions.

302. GENERAL PROCEDURE FOR SUBDIVISIONS AND LAND DEVELOPMENTS.

302.A. Review and Approval Stages. Three types of plan submissions are established: Sketch, Preliminary, and Final, as outlined below.

Stage	Article of this Ordinance	Type of Proposed Subdivision or Land Development*		
		Land Development	Major Subdivision	Minor Subdivision or Lot Line Adjustment
Sketch Plan	IV	Recommended	Recommended	Recommended
Preliminary Plan	V	Required****	Required	Not Required
Final Plan***	VI	Required	Required	Required**
Guarantee of Improvements Installation	VIII	Required	Required	Required
Recording of Final Plan	IX	Recommended *****	Required	Required

\* See definitions in Article II.  
 \*\* See Article VII for Minor Subdivision Final Plan submission and review requirements. See Section 705 for submission requirements for a lot line adjustment.  
 \*\*\* At their option, the Planning Commission may grant combined Preliminary/Final Plan approval if the preliminary plan submission meets the requirements of a final plan submission and if the Planning Commission determines that there are no outstanding matters.  
 \*\*\*\* Except where exempted by Section 502.  
 \*\*\*\*\* Except if a land development involves a land dedication to the Borough or the State, then the plan shall be recorded.

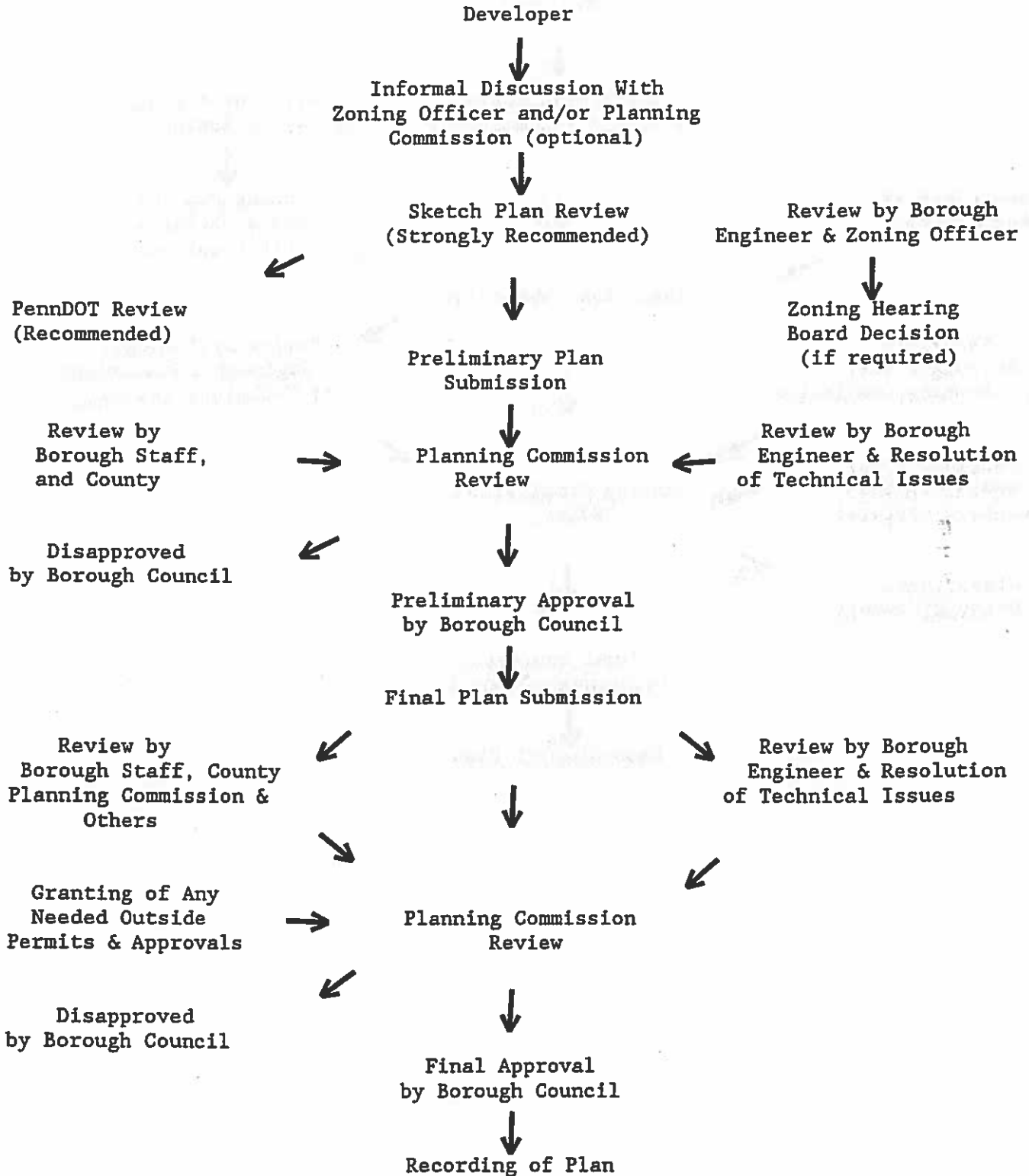
302.B. Sketch Plan. While a Sketch Plan is not required, it is strongly recommended that it be filed to allow the Applicant to consult early and informally with the Planning Commission before preparing a Preliminary Plan. This will often avoid expensive redesign and delay to the applicant.

302.C. Preliminary Plan. Preliminary plans are required to be submitted for any major subdivision and for certain land developments, as described above.

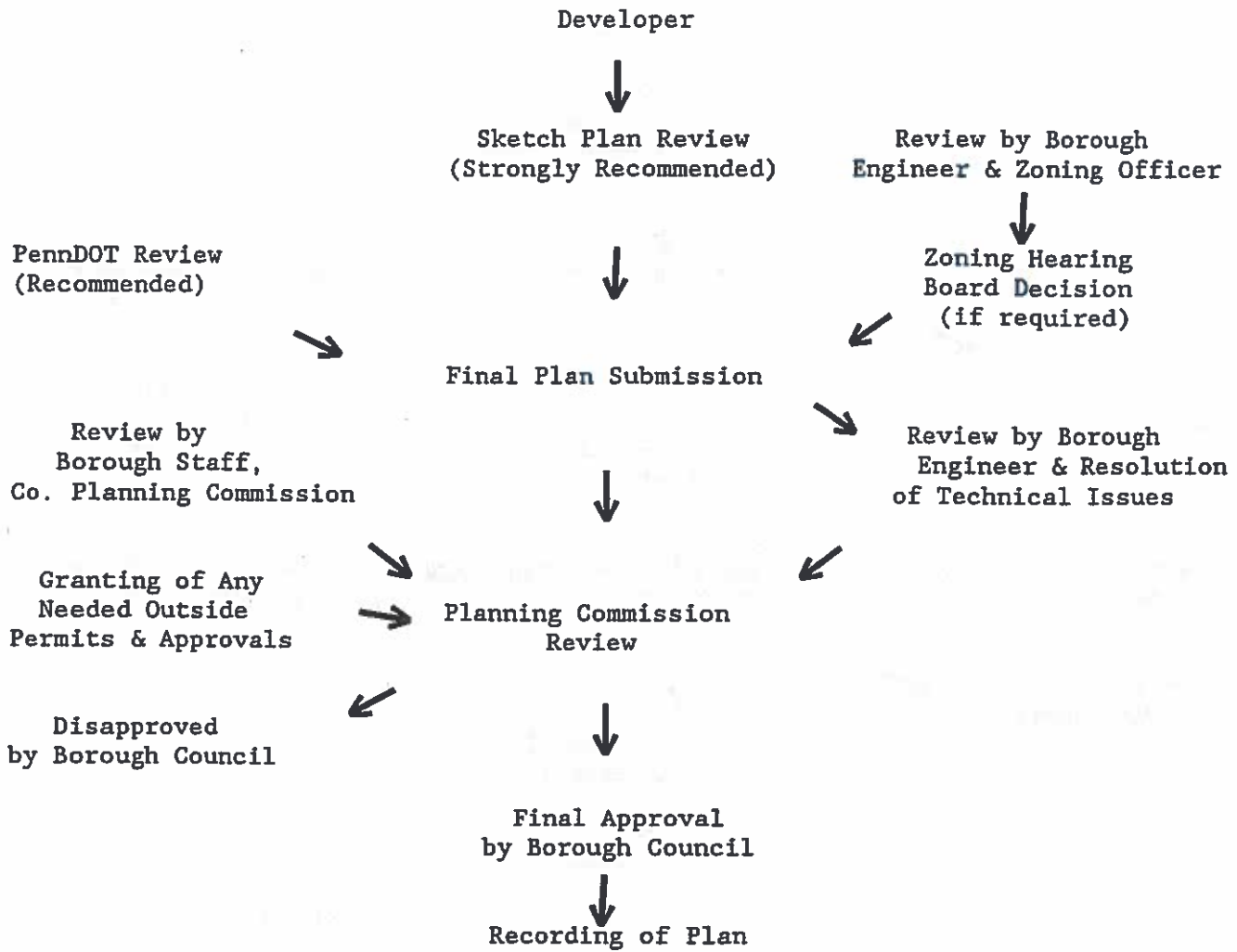
- 302.D. Final Plan. After approval of the Preliminary Plan of a major subdivision or certain land developments, the Applicant files a Final Plan. A Final Plan must be approved prior to recording of the plans by the County and prior to the sale of any lots or the construction of any buildings (see Article IX).
- 302.E. Guarantee of Improvements Installation. Where improvements are required by this Ordinance, in most cases, the Borough will require that the Applicant enter into a development agreement including the posting of financial security sufficient to guarantee the costs of any improvements which may be required. See Article VIII.
303. GENERAL PLAN SUBMISSION PROCEDURES.
- 303.A. Submission. Sketch, Preliminary and Final Plans and all required accompanying information are required to be submitted to the Borough Staff.
- 303.B. Completeness. The Planning Commission shall have the authority to reject or table an application that the Commission determines is significantly incomplete.
- 303.C. Attendance. The Applicant or his/her duly authorized representative should endeavor to attend the Borough meeting to discuss the filed plans. If the applicant fails to appear when so requested at a meeting where the plans will be considered, it may result in plan disapproval, if the Borough determines that it resulted in insufficient information to render a decision.
- 303.D. Action by the Commission. Borough Council is generally required to act upon a preliminary or final plan within 90 days after the first regular meeting of the Planning Commission that follows an acceptable submission by the applicant, unless the applicant grants a time extension.



GENERALIZED PROCESS FOR A MAJOR SUBDIVISION OR LAND DEVELOPMENT



GENERALIZED PROCESS FOR A MINOR SUBDIVISION OR LOT LINE ADJUSTMENT



**ARTICLE IV**  
**SKETCH PLAN**

401. **PRE-PLAN CONSULTATION.** Prior to submitting a Sketch Plan, applicants for larger developments are encouraged to informally discuss their proposal with the Zoning Officer and/or other appropriate Borough Staff.
402. **SKETCH PLAN SUBMISSION REQUIREMENTS.** Prior to the submission of a Preliminary Plan, applicants are very strongly encouraged to submit a Sketch Plan. **A Sketch Plan Review often allows an applicant to save substantial time and engineering costs, because many concerns about layout and issues concerning Borough Ordinances can be resolved prior to detailed engineering. This can often reduce the need for future redesign at a more detailed stage, thereby saving the applicant significant money and time.** When submitted, Sketch Plans shall include the following information:
- A. **Submission Requirement.** If submitted, 8 print copies of the Sketch Plan and the accompanying application should be submitted to the Borough Staff at least 7 days prior to a regular Planning Commission meeting.
  - B. **Drawing Requirements.** A Sketch Plan shall be drafted to approximate scale and is recommended to include the following as applicable:
    - 1. Approximate boundary line of the development.
    - 2. Approximate locations of significant physical features (such as areas of steep slopes, quarries, creeks and major drainage channels).
    - 3. Proposed lot and street layout with approximate areas of lots (such as "2 acres").
    - 4. Site data including:
      - a. Approximate acreage of the entire tract
      - b. Number of lots and types of dwelling units (if residential)
      - c. Zoning District and major applicable lot area and setback requirements
    - 5. Approximate north point and scale and a tentative name of the project (may be the developer's name).
    - 6. Approximate proposed locations of any non-residential buildings (if known) and statement of the general proposed types of any non-residential uses.
    - 7. A map showing the general location of the project in relation to nearby streets (may be a photocopy of USGS or Borough base map or a commercial map).
    - 8. Approximate location of any area within the 100-Year floodplain (from Federal Insurance Administration map).
    - 9. Tentative approximate locations of any storm water detention basins and any major stormwater drainage channels.
    - 10. Note stating the general methods of providing water and sewer service.

11. Names of any adjacent non-residential uses and any zoning district boundaries in the area.
12. Name and address of person responsible for the preparation of the plan and the date of preparation.
13. Approximate general locations of any possible wetlands (may be "hydric soil" locations from the County Soil Survey).
14. Statement of the proposed uses of the land (if known).

403. SKETCH PLAN REVIEW PROCEDURES.

- A. No official action shall be taken on a sketch plan. The Borough shall not be bound by comments made or not made as part of a sketch plan review.
- B. The Borough shall distribute copies of the sketch plan to the Borough Engineer, the relevant Borough staffperson and the Planning Commission for advisory reviews.

## ARTICLE V PRELIMINARY PLAN

501. PURPOSE. A Preliminary Plan is intended to establish the overall development scheme to minimize the need for revisions of Final Plans.

502. SUBMISSION AND REVIEW PROCEDURE.

502.A. Preliminary Plan Submission Required.

1. A Preliminary Plan Submission for a Major Subdivision or Land Development (except as provided in part A.2. below) meeting all of the requirements of this Article shall be filed by the Applicant and reviewed in accordance with the provisions of this Article.
2. A Preliminary Plan Submission is not required for:
  - a. a Minor Subdivision (as defined in Article II) or
  - b. a submission that only involves a lot line adjustment (as defined in Article II) or minor adjustments to a previously approved plan as specified in Section 704 or
  - c. a "land development" that involves only 1 new principal building.
3. An applicant may, at his/her option, submit a combined preliminary/final submission for combined preliminary/final approval if all of the requirements for both preliminary plan submission and final plan submission are met.

502.B. Required Submission.

1. The Applicant shall file with the Staff at least 14 calendar days prior to a regular Planning Commission meeting (not including a workshop meeting): a) the required fees, and b) the information and plans required under Section 503.
2. The Staff shall forward applicable plans to the following agencies to seek their comments prior to Preliminary Plan Approval:
  - a. MMP&W Fire Chief (layout and utility plan if deemed appropriate by the Borough Staff),
  - b. maintain at least one complete "file" copy of all materials submitted by the applicant, for use by the Borough Staff,
  - c. Borough Engineer, with the plans provided prior to the next regular Planning Commission meeting,
  - d. the Borough Planning Commission (including copies of the Application Form, a copy of the Preliminary Plan Checklist and the layout plan to each member, and at least 1 total copy of the complete set of Preliminary Plans and the Supporting Documents), with such information provided prior to or at the first regularly scheduled Planning Commission meeting after a proper submission.
3. Applicant's Distribution. The applicant is fully responsible for the following:
  - a. Contacting the appropriate utility companies, as appropriate, including the water supplier and the Sewage Authority,

- b. Encouraged to seek at least an informal review by PennDOT of any proposed access onto a State road, and providing PennDOT with sufficient information for such a review,
  - c. Determining whether any permits or approvals are needed from any agency outside of the Borough, including DER (including any obstruction to a waterway) and the Army Corps of Engineers (including determining whether any "wetland" will be disturbed),
  - d. Providing a copy of the sedimentation and erosion control plans to the County Conservation District, together with their required review fees, if any earth disturbance is proposed, unless the applicant states in writing in a signed letter to the Borough that earth disturbance will not occur until approval of the Final Plan (in which case the erosion control plan may be submitted at Final Plan stage),
  - e. Adjacent Municipalities. If any portion of a major subdivision or land development: 1) is proposed within 200 feet of the boundary of another municipality or 2) would clearly have a regional impact upon another municipality as determined by the Planning Commission, then the applicant shall provide a copy of the layout plan to that municipality for an advisory review.
  - f. Providing a copy of the plans to the County Planning Commission.
4. Each Preliminary Plan and supporting documents should seek to incorporate any revisions recommended by the Planning Commission, the Borough Engineer and other appropriate Borough Officials during any Sketch Plan review.
  5. Revisions. A list of revisions from a previously submitted plan shall be provided whenever a revised plan is submitted.

502.C. Determination of Completeness of the Submission.

1. Based upon the initial review of the Borough Staff and/or the Borough Engineer, the Commission shall have authority, at its first regular meeting after the Submission is filed in a timely fashion, to determine that a submission is significantly incomplete and therefore to refuse to review the submission further and to do one of the following:
  - a. Not accept the Submission, indicating deficiencies in writing, and return the fee (minus the costs of any Borough review) to the Applicant.
  - b. Accept the Submission as being filed for review on the condition that the Applicant shall file such additional required materials and information to the Staff or appropriate agency or person by a specific deadline.
  - c. Table the acceptance of the submission until the next Planning Commission meeting after the applicant has met all of the submittal requirements within the required time period prior to the meeting. The 90 day time limit for action shall not begin until the plan is accepted as complete.
  - d. Reject the Plan for just cause, such as the submission being significantly incomplete.
2. If the Commission determines that the Submission is significantly complete, as filed and as required, the Commission shall accept the plans and may begin its review.
3. Zoning Variances.

- a. An application under the Subdivision and Land Development Ordinance shall not be considered to be a complete submission for the purposes of the 90 day time limit if one or more zoning variances will be required for the subdivision or land development to legally occur as submitted, until such time as the needed zoning variances have been granted. However, the Planning Commission may review the plans before the variance(s) are issued.
- b. A subdivision or land development review shall not be delayed because of a court appeal of a zoning variance that was granted by the Board to the developer. Instead, satisfactory resolution of such appeal may be made a condition for approval under this Ordinance. If a developer appeals a zoning variance that was not granted to him/her, then subsection "3.a." above shall still apply.

502.D. Review by the Borough Staff and Engineer

1. The Borough Staff and Borough Engineer should review the submission and prepare report(s) to the Commission. Policy matters that should be dealt with directly by the Planning Commission and Council should be listed separately from technical engineering considerations.
2. The Applicant and/or his/her engineer shall make reasonable efforts to resolve technical engineering considerations outside of and prior to Planning Commission and Borough Council meetings. The Borough Engineer may require the applicant or his/her engineer to meet with the Borough Engineer for this purpose.

502.E. Review by Commission. The Planning Commission shall accomplish the following within the time limitations of the PA. Municipalities Planning Code (unless the applicant grants a written time extension):

1. Review all applicable reports received from any official reviewing agencies;
2. Consider whether the Preliminary Plan Submission meets the requirements of this Ordinance and other applicable ordinances.
3. Recommend any needed revisions so that the Submission will conform to this Ordinance and other applicable ordinances; and
4. Recommend approval, conditional approval or disapproval of the Preliminary Plan Submission in an advisory report to Borough Council.

502.F. Decision by Borough Council.

1. After considering any recommendations of the Planning Commission and Borough Engineer and other input, Borough Council shall approve or reject the Preliminary Plan Submission within the time limits required by the PA. Municipalities Planning Code.

(As of 1994, this law requires:

- a. Borough Council to act not later than 90 days following the date of the first regular meeting of the Planning Commission held after it has been properly filed for review; but in no case shall Council's decision be made later than 120 days following the date the submission is duly submitted, unless the Applicant grants a written extension of time; and

- b. that no subdivision or land development shall be granted final approval until a report is received from the County Planning Commission or until the expiration of 30 days from the date the application was forwarded to the County.)
2. The decision of Borough Council shall be in writing and shall be communicated to the Applicant personally or by mail at his/her last known address not later than 15 days following the decision.
3. Approval of the Preliminary Plan Submission shall constitute conditional approval of the subdivision or land development as to the character and intensity, but shall not: a) constitute approval of the Final Plan or b) authorize the sale of lots or construction of buildings.
4. If the Preliminary Plan Submission is disapproved, the decision shall: specify defects found in the Submission, describe requirements which have not been met and cite the provisions of the statute or ordinance relied upon in each case.
5. At the discretion of Borough Council, Borough Council may grant combined preliminary/final plan approval if: a) the preliminary plan submission also meets all of the requirements of a final plan submission and b) Borough Council determines that there are no significant outstanding matters regarding the plan.

502.G. Final Plan Submission Deadline.

1. An applicant shall file a Final Plan within 3 years from the date of the approval of the Preliminary Plan by Borough Council, unless a written extension is granted by Borough Council in advance.
2. Failure to comply with this requirement shall render the Preliminary Plan null and void, and a new Preliminary Plan submission and approval shall be required.

502.H. Development in Stages. See Section 602.I.

503. PRELIMINARY PLAN REQUIREMENTS AND CHECKLIST. (See Section 502.A. regarding when a preliminary plan is required.)

503.A. All of the following information and materials listed in this section are required as part of all preliminary plans for any land development and any major subdivision. **This list of requirements shall serve both:**

1. to establish the requirements, and
2. as a checklist for the applicant and the Borough to use to ensure completeness of submissions.

The applicant shall submit completed photocopies of this section as part of the application.

503.B. The required information listed in this Section may be combined or separated onto different sheets, provided that all information is clearly readable.



Section 503.C. Borough of Mercersburg  
PRELIMINARY PLAN FOR MAJOR SUBDIVISION OR LAND DEVELOPMENT \*\*  
CHECKLIST AND LIST OF SUBMITTAL REQUIREMENTS

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Daytime Phone No.: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\* Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

SUBMITTED	NOT SUBMITTED*	
_____	_____	A. <u>GENERAL SUBMISSION ITEMS:</u> (Note- the Borough may require the submission of additional numbers of copies)
_____	_____	1. Borough application/review fee(s)/escrow
_____	_____	2. 2 copies of the Completed Application (see Appendix A)
_____	_____	3. 7 copies of the Preliminary Plan Checklist (using the photocopies of the pages in this Section)
_____	_____	4. 4 print copies of the complete Preliminary Plans
_____	_____	5. 10 additional print copies of only the Layout Plans
_____	_____	6. 2 sets of Supportive Documents
_____	_____	7. Applicant has provided a copy of plan to the County Planning Commission
_____	_____	B. <u>DRAFTING REQUIREMENTS:</u> All information shall be legibly and accurately presented.
_____	_____	1. Plans prepared on a standard sized sheet (such as 18"x24", 24"x36", 30"x42" or 36"x48"). All copies of plans should be folded to approximately 9"x12" size in such a manner that the title of the sheet faces out, except exceptionally large and thick sets of plans may be rolled.
_____	_____	2. Plans drawn to scale of 1 inch = 50 feet or other scale preapproved by the Borough Engineer or Plans Administrator.
_____	_____	3. All dimensions set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
_____	_____	4. Differentiation between existing and proposed features
_____	_____	5. Boundary line of the tract, shown as a heavy boundary line.
_____	_____	6. If layout plans involve 2 or more sheets, a map of the layout of the entire project at an appropriate scale on one sheet, and a key map showing how the sheets connect.
_____	_____	7. If the tract(s) crosses a municipal boundary, a map showing both the portions in Borough of Mercersburg and the other municipality, in sufficient detail for the Borough to determine how the parts will interrelate.
_____	_____	8. All sheets numbered and listed on one page.

\*\* See Section 502.A. concerning which types of land developments are not required to submit a preliminary plan.

\* Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

NOT  
SUBMITTED      SUBMITTED\*

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 9. Words "Preliminary Plan" and sheet title (such as "Layout Plan") on each sheet  |
| _____ | _____ | 10. All profile information listed in Section 603 unless the applicant states in a signed written statement that construction of improvements will not occur until after Final Plan Approval |

C. GENERAL INFORMATION:

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Name of project on each sheet   |
| _____ | _____ | 2. Name of landowner and developer (with addresses)  |
| _____ | _____ | 3. Names of abutting property owners   |
| _____ | _____ | 4. Intersecting lot lines of adjacent lots, and approximate locations of any existing or approved: buildings, streets, common open spaces, detention basins or drainage channels within 200 feet of the boundaries of the proposed project |
| _____ | _____ | 5. Notarized Owners Statement - see Appendix B   |
| _____ | _____ | 6. Surveyor and plan preparer's statement and seal (See Appendix B)  |
| _____ | _____ | 7. Approval/review signature blocks for: Borough Planning Commission, Borough Council, Borough Engineer and County Planning Commission (see Appendix B)  |
| _____ | _____ | 8. Location map (such as USGS or Borough Base Map) showing the boundaries of the project in relation to major streets and any municipal boundaries.  |
| _____ | _____ | 9. North arrow, graphic scale, written scale   |
| _____ | _____ | 10. Date of plan and all subsequent revision dates (especially noting if is revision of a previously approved plan) with space for noting future revision dates and general type of revisions  |
| _____ | _____ | 11. Tax map number and block and lot for the tract being subdivided  |
| _____ | _____ | 12. A statement on the plan of proposed principal uses that are intended for each lot  |

D. NATURAL FEATURES:

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Existing contour lines shown at the same scale as the layout plan, as follows: <ul style="list-style-type: none"> <li>a. shall be based on a field survey or photogrammetric procedure that was completed at a scale of 1"= 50' or larger. Contours shall be based upon U.S.G.S. datum, with an established bench mark.</li> <li>b. The contour interval shall be sufficient to determine compliance with Borough ordinances and to show drainage patterns. An interval of 2 feet for slopes of less than 15% and 5 feet for slopes of 15% or greater is generally recommended.</li> <li>c. Note- Contours are not required to be shown within areas that are clearly not intended to be altered as a result of this proposed subdivision or land development, unless needed to determine adequacy of stormwater management</li> </ul> |
|-------|-------|---|

\* Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

NOT SUBMITTED	SUBMITTED*	
_____	_____	2. Identification of any slopes of 15 to 25%, & greater than 25%
_____	_____	3. Watercourses (with any name), natural springs, lakes and wetlands. a. An applicant is <u>not</u> required to have completed all Federal and State wetland permit applications prior to Preliminary Plan approval. However, wetland delineations shall have been accomplished by a qualified professional.
_____	_____	4. Location of any areas within the 100 year floodplain (with differentiation between floodway and floodfringe if available from official Federal floodplain maps)
		<b>E. <u>MAN-MADE FEATURES:</u> (with existing features graphically differentiated from proposed features)</b>
_____	_____	1. Existing and proposed lot lines a. The boundaries of lots (other than a residual lot of at least 10 acres) shall be determined by accurate field survey, closed with an error not to exceed 1 in 10,000 and balanced. b. The boundaries of any residual tract which is 10 acres or more may be determined by deed (Any residual lot of less than 10 acres shall fully comply with this Ordinance). c. The plans shall show all adjacent lot lines, the last known name of the adjacent property owner, and the parcel reference number.
_____	_____	2. Location of existing and proposed monuments
_____	_____	3. Sufficient measurements of all lots, streets, rights-of-way, easements, homeowner association areas or public areas to accurately and completely reproduce each and every course on the ground.
_____	_____	4. Buildings on the tract estimated to be 80 years or older that could be adversely impacted by the project, with description
_____	_____	5. Locations of existing and proposed utility easements and restrictive covenants and easements for purposes which might affect development (with statements concerning which easements and rights-of-ways are proposed for public dedication)
_____	_____	6. Existing and proposed (if known) or typical building locations
_____	_____	7. Locations of any overhead electric high-voltage transmission lines
		<b>F. <u>ZONING REQUIREMENTS:</u></b>
_____	_____	1. Applicable zoning district and required minimum lot area
_____	_____	2. Minimum setback requirements shown on each lot
_____	_____	3. Area and location of any proposed common or public open space
_____	_____	4. If any common open space proposed: method of ownership and entity proposed to be responsible for maintenance
_____	_____	5. Statement that to be served by public water and sewage
_____	_____	6. Required and proposed building coverage and impervious coverage (may be stated as "typical proposed" for single family detached or twin homes)

\* Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

NOT

SUBMITTED      SUBMITTED\*

G. PROPOSED LAYOUT:

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Total acreage of site and total proposed number of lots and dwelling units   |
| _____ | _____ | 2. Identification number for each lot (and for each building if more than 1 principal building per lot)   |
| _____ | _____ | 3. Lot width (at minimum building setback line) and lot area for each lot   |
| _____ | _____ | 4. Dimensions of each lot line in feet  |
| _____ | _____ | 5. Existing and proposed rights-of-way, cartway widths and locations of existing <u>and</u> proposed streets, including noting widths of streets within 200 feet of boundaries of tract |
| _____ | _____ | 6. Any improvements to existing streets proposed by the applicant, such as any acceleration/ deceleration lanes, traffic signal, street realignment or widening of abutting streets     |
| _____ | _____ | 7. Proposed and existing street curbing   |
| _____ | _____ | 8. Proposed and existing sidewalks (place NA in Not Submitted column if not proposed), with any proposed handicapped ramps at intersections   |
| _____ | _____ | 9. Names of existing streets and initial proposed names of new streets  |
| _____ | _____ | 10. Designation which streets are proposed to be dedicated to the Borough or to remain private.   |
| _____ | _____ | 11. Sight distance triangles meeting Borough requirements (See also sight distance information under "Supporting Information" heading)  |

H. UTILITY PLAN:

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. <u>Sewage service:</u>   |
| _____ | _____ | a. proposed contour lines on same sheet as utility layout   |
| _____ | _____ | b. location and size of mains   |
| _____ | _____ | c. proposed lotlines and any proposed easements or rights-of-ways needed for the utilities                              |
| _____ | _____ | d. location of all other drainage facilities and public utilities in the vicinity of sanitary sewer lines               |
| _____ | _____ | 2. <u>Water service:</u>  |
| _____ | _____ | a. location and size of existing and proposed waterlines  |
| _____ | _____ | b. existing and proposed fire hydrant locations   |
| _____ | _____ | c. distance noted that water lines will have to be extended to reach existing lines (if not already abutting the tract) |
| _____ | _____ | d. proposed lotlines and any proposed easements or rights-of-ways needed for the utilities                              |

\* Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

NOT		
SUBMITTED	SUBMITTED*	
_____	_____	4. Any existing and proposed underground natural gas, electrical, telephone, cable TV or other utility lines, with any easements shown that will affect development
_____	_____	5. List of contacts for all underground utilities in the area, with phone numbers stated on the grading plans (as required by State Act 172)

I. GRADING AND STORMWATER MANAGEMENT PLAN:

_____	_____	1. Existing and proposed storm drainage facilities or structures, including detention basins (with capacity), swales, pipes (with sizes), culverts and inlets
_____	_____	2. Capacity, depth, dimensions and locations of detention basins
_____	_____	3. Pre-development and post-development watershed areas for each detention basin or major drainage channel or point of concentration
_____	_____	4. Locations of any proposed or existing stormwater easements
_____	_____	5. Intended design year standards for culverts, bridge structures and/or other stormwater facilities
_____	_____	6. Schematic location of all underground utilities
_____	_____	7. Entity responsible to maintain/ own any detention basin
_____	_____	8. Existing and proposed contour lines

J. FOR USES OTHER THAN SINGLE FAMILY DETACHED OR TWIN DWELLINGS:

_____	_____	1. For townhouses or apartments, evidence that the project meets the density requirements of the Zoning Ordinance
_____	_____	2. Evidence that the project will meet the off-street parking requirements of the Zoning Ordinance
_____	_____	3. Arrangement of off-street parking spaces, parking aisles, off-street loading areas and extent of areas to be covered by gravel or asphalt
_____	_____	4. For townhouses, any proposed methods to ensure privacy between outdoor semi-private areas (such as fences or walls or plantings between rear yards)
_____	_____	5. Illustrative sketches of exteriors of proposed principal buildings other than single family detached houses (encouraged but not required)
_____	_____	6. Location of any proposed outdoor storage areas
_____	_____	7. Note stating total square feet of paved area, including gravel areas

K. LANDSCAPE PLAN:

_____	_____	1. Locations of treelines and existing forested areas
_____	_____	2. Any proposed evergreen screening, buffer yards or earth berming (if required by Zoning Ordinance)
_____	_____	3. Areas of existing mature woods that are proposed to be protected and preserved or removed

\* Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

NOT  
SUBMITTED      SUBMITTED\*

\_\_\_\_\_      \_\_\_\_\_      L.      EROSION AND SEDIMENTATION PLAN: Shall be required as listed in the Final Plan requirements unless the applicant provides a written and signed statement that earth will not be disturbed until after Final Plan approval.

M.      SUPPORTING DOCUMENTS AND ADDITIONAL INFORMATION:

\_\_\_\_\_      \_\_\_\_\_      1.      Residual Lands Sketch. If the submitted plans do not include all undeveloped or underdeveloped adjacent or abutting lands owned by the same landowner or under control of the same developer (or closely related corporations), then a sketch shall be submitted at an appropriate approximate scale, on one sheet, covering all such land holdings together with a sketch of a reasonable future potential street system. Such sketch shall demonstrate that the proposed subdivision provides for the orderly development of any residual lands and/or does not adversely affect the potential development of residual lands.

\_\_\_\_\_      \_\_\_\_\_      2.      Sewage Module. If applicable, 2 copies of the DER Sewage Planning Module application and supportive information as completed by the applicant, together with evidence that the application has been forwarded to the proper review agencies (these agency reviews are not required to be fully completed prior to preliminary plan approval)

\_\_\_\_\_      \_\_\_\_\_      3.      Central Water. If central water service is proposed by an existing water company or authority, the applicant shall provide a letter from such water company or authority which states that the company or authority expects to be able to adequately serve the development, that the proposed water system is generally acceptable and that references standard conditions or specifications required by the company or authority for the provision of services.

\_\_\_\_\_      \_\_\_\_\_      4.      Public Sewage. If service is proposed by a sewage authority, the developer shall submit a copy of a letter from the authority which states that the authority can adequately serve the subdivision, that the proposed sanitary sewage system is generally acceptable and that references standard conditions or specifications required by the authority for connection to the system.

\_\_\_\_\_      \_\_\_\_\_      5.      Floodplain. If the project would include any area within the 100 year floodplain or any watercourse, a statement from the Zoning Officer indicating that the proposed subdivision or land development would be in compliance with the Floodplain regulations of the Borough.

\* Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

NOT SUBMITTED	SUBMITTED*	
_____	_____	6. Access to State Roads. If access is proposed to a State highway, and the appropriate Highway Occupancy Permit(s) have not yet been issued for the use(s): a) copy of any information submitted to PennDOT and any correspondence from PennDOT regarding the proposed access to State roads (this requirement applies throughout the entire approval process), and b) evidence that the proposed access will meet PennDOT sight distance requirements.
_____	_____	7. A statement describing the nature of the landowner's and the developer's involvement in the proposed development, and the names of the primary partners or chief officers of any corporate developer.
_____	_____	8. List of any Modifications or Waivers requested to this Ordinance
_____	_____	9. Copies of the decisions of any zoning variances that are relevant to the proposal.
_____	_____	10. Submission of all street and utility plan-profiles, stormwater management report and/or drainage studies, and construction details as specified in the Final Plan submission requirements <u>unless</u> the applicant provides a written signed statement that construction of improvements will not begin until after Final Plan approval by Borough Council. Any such statement shall be binding upon future developers of the property.
_____	_____	11. Wetlands. If applicable, detailed delineations by a qualified professional of wetlands are required and shall be dimensioned from lot lines, except if: the Plan states that no alteration, buildings, earthmoving or driveways will occur within 100 feet of the outer extent of any areas that might reasonably be suspected of being wetlands. Such suspected wetlands shall still be noted on the plans. a. The applicant may be granted Final Plan approval conditioned upon receipt of all required Federal and State wetland permits. b. See the "supporting documentation" portion of the Final Plan requirements regarding wetland studies.

504. CERTIFICATION.

- A. All certification shall comply with the State professional licensing laws. All subdivisions of land shall be certified and stamped by a Registered Land Surveyor.
- B. At least 1 official set of copies of plans provided to the Borough shall bear original signatures and original seals, which should be marked as a "Borough File Copy."

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## ARTICLE VI

### FINAL PLAN

601. APPLICABILITY. This Article lists the requirements for final plans for a major subdivision or any land development. See the requirements of Article VII for a project that only involves: a) a minor subdivision, b) a lot line adjustment or c) minor corrections or minor revisions to a previously approved plan as specified in Section 704.

602. SUBMISSION AND REVIEW PROCEDURE.

602.A. Final Plan Submission Required.

1. A Final Plan Submission for each major subdivision or land development must be filed by the Applicant and reviewed in accordance with the provisions of this Article VI.
2. A Final Plan shall only be submitted after a Preliminary Plan has been approved by the Planning Commission, if a Preliminary Plan is required.

602.B. Final Plan Submission Deadline.

1. An applicant shall file a Final Plan Submission within 3 years from the date of the approval of the Preliminary Plan by Borough Council, unless a written extension is granted by Borough Council in advance.
2. Failure to comply with this requirement shall render the Preliminary Plan Submission null and void, and a new Preliminary Plan Submission must be filed.

602.C. Filing and Distribution.

1. The Applicant shall file with the Borough Staff at least 14 calendar days prior to a regular Planning Commission meeting (not including workshop meetings) all of the required plans, information and fees listed in Section 603 of this Ordinance.
2. The Borough Staff shall forward applicable plans and/or supporting materials to the following agencies to seek their comments prior to Final Plan Approval:
  - a. Borough Engineer, provided prior to the next regularly scheduled Planning Commission meeting,
  - b. Borough Fire Chief (layout and utility plan, if not reviewed at the preliminary plan level and if deemed appropriate by the Borough Staff),
  - c. maintain at least 1 complete official "file" copy of all materials submitted by the applicant,
  - d. the Borough Planning Commission and Borough Council, with the information provided to the Commission at or before the next regular meeting of the Commission.

3. Applicant's Distribution. It is the applicant's responsibility to:

- a. make agreements with the appropriate utility companies, including but not limited to the Sewage Authority and the water supplier,
  - b. provide information to PennDOT that is required for any needed permit for access to or work within a State road right-of-way,
  - c. provide information to DER or other agencies for any permits that might be required,
  - d. submit a copy of the soil erosion and sedimentation plan to the County Conservation District, and pay their required review fees, if earth disturbance is proposed, and if such erosion control plan was not approved at the preliminary plan level, and
  - e. provide a copy of the plans to the County Planning Commission.
4. The filing of the Final Plan shall conform with the approved Preliminary Plan and any conditions and changes recommended by the Borough during the Preliminary Plan review.
  5. Revisions. A list of revisions from a previously submitted plan shall be provided whenever a revised plan is submitted.

602.D. Determination of Completeness by Commission.

1. Based upon the initial review of the Borough Staff and/or the Borough Engineer, the Commission shall have authority, at its first regular meeting after the Submission is duly filed in a timely manner, to determine that a submission is significantly incomplete and therefore to refuse to review the submission further and to do one or more of the following:
  - a. Not accept the Submission, indicating deficiencies in writing, and return the fee (minus the costs of any Borough review) to the Applicant.
  - b. Accept the Submission as being filed for review on the condition that the Applicant shall file such additional required materials and information to the Staff or appropriate agency or person within a certain number of days from the date of such acceptance.
  - c. Table the acceptance of the submission until the next Planning Commission meeting where the applicant has met all of the submittal requirements, and has filed such materials within the required time period prior to the meeting. The 90 day time limit for action shall not begin until the plan is accepted as complete.
  - d. Recommend that Borough Council rejects the Plan for just cause, such as the submission being significantly incomplete.
2. If the Commission determines that the Submission is significantly complete, as filed and as required, the Commission shall accept the plans and may begin its review.

3. If the Commission determines that a Final Plan Submission, as filed, departs substantially from the approved Preliminary Plan, the Commission may classify the submission as a Revised Preliminary Plan (with the applicable review fees required) and process the application as such.

602.E. Review by Staff and Engineer.

1. The Borough Staff and Borough Engineer should review the plans and report how the submission complies or does not comply with applicable ordinances.
2. Policy matters that should be dealt with directly by the Planning Commission and/or Borough Council should be listed separately from technical engineering considerations.
3. The Applicant and/or his/her plan preparer shall make reasonable efforts to resolve technical engineering considerations outside of and prior to Planning Commission meetings. The Borough Engineer may require the applicant or his/her plan preparer to meet with the Borough Engineer for this purpose.

602.E. Review by Commission. The Planning Commission shall accomplish the following within the time limitations of the PA. Municipalities Planning Code (unless the applicant grants a written time extension):

1. Review all applicable reports received from any official reviewing agencies;
2. Consider whether the Final Plan Submission meets the requirements of this Ordinance and other applicable ordinances.
3. Recommend any needed revisions so that the Submission will conform to this Ordinance and other applicable ordinances; and
4. Recommend approval, conditional approval or disapproval of the Final Plan Submission in an advisory report to Borough Council.

602.G. Decision by Borough Council. Borough Council shall:

1. Approve, conditionally approve or reject the Final Plan Submission within the time required by the PA. Municipalities Planning Code.  
(As of 1994, State law generally requires:
  - a) Borough Council to act not later than 90 days following the date of the first regular meeting of the Commission held after it has been properly filed; but in no case shall Borough Council's decision be made later than 120 days following the date the submission was duly submitted, unless the Applicant grants a written extension of time; and
  - b) that no subdivision or land development shall be granted final approval until a report is received from the County Planning Commission or until the expiration of 30 days from the date the application was forwarded to the County Planning Commission.)

2. Notice to Applicant. The decision of Borough Council shall be in writing and shall be communicated to the Applicant personally or mailed to him/her at his/her last known address not later than 15 days following the decision.
3. Dedications.
  - a. The approval of the Final Plan shall not by itself constitute an acceptance of the dedication of any street or other proposed public way, space, or area, unless the such acceptance is specified at such time.
  - b. Any such acceptance of dedication shall only occur after formal action of the Borough at such time.
  - c. As part of an improvements agreement, if the Borough Council elects to accept lands offered for dedication, the submission shall be accompanied by duly executed instruments of conveyance to the Borough. Such instruments shall state that the title thereof is free and unencumbered.
4. Disapproval. When a Final Plan Submission is disapproved, the decision shall specify defects found in the Submission, shall describe requirements which have not been met, and shall cite the provisions of ordinance section(s) relied upon.
5. Conditions. Borough Council may attach reasonable conditions to an approval to ensure compliance with provisions and intent of this Ordinance, other Borough Ordinances and State laws and regulations.

602.H. Development in Stages.

1. If requested by the Applicant, Borough Council may permit the undertaking of the required improvements and the preparation of the Final Plan to be completed in a series of sections or stages, each covering a portion of the proposed subdivision or land development as shown on the Preliminary Plan.
2. If Final Plans are to be filed in sections or stages, each section or stage shall provide sufficient access, utilities and amenities to allow the development to properly function if future stages are not built.
3. The boundaries of phases and the timing of related improvements shall be subject to the approval of Borough Council.

603. FINAL PLAN REQUIREMENTS.

- 603.A. All of the information and materials listed in this section are required as part of all final plans for: 1) a major subdivision or 2) a land development. This list of requirements shall serve as both a list of requirements, and as a checklist for the applicant and the Borough to ensure completion of submissions. The applicant shall submit completed photocopies of this section as part of the application.
- 603.B. The required information listed in this Section may be combined or separated onto different sheets, provided that the plans will be clearly readable.

Section 603.C.  
 Borough of Mercersburg  
FINAL PLAN FOR MAJOR SUBDIVISION OR LAND DEVELOPMENT  
CHECKLIST AND LIST OF SUBMITTAL REQUIREMENTS

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Daytime Phone No.: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

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

\* Place a checkmark in the applicable column below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and b) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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A. GENERAL SUBMISSION ITEMS:\*

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Borough application/review fee(s)/escrow   |
| _____ | _____ | 2. 2 copies of the Completed Application (see Appendix A)   |
| _____ | _____ | 3. 2 copies of the completed Final Plan Checklist (using the photocopies of the pages in this Section)  |
| _____ | _____ | 4. 2 copies of the completed Preliminary Plan Checklist, showing that all of the information on that checklist has been addressed on the Final Plan also. Note - the applicant is not required to resubmit supporting documentation and reports submitted as part of a Preliminary Plan review unless such documentation or reports need to be updated. |
| _____ | _____ | 5. 7 print copies of the complete Final Plans   |
| _____ | _____ | 6. 5 additional print copies of only the Layout Plans   |
| _____ | _____ | 7. 2 sets of Supportive Documents required by this Section  |
| _____ | _____ | 8. Delivery of plans by applicant to the County Planning Commission<br>* Note- The Borough may require the Applicant to file additional copies.   |
| _____ | _____ | 9. Words "Final Plan" and sheet title (such as "Layout Plan") on each sheet   |
| _____ | _____ | 10. For uses other than single family detached and twin dwelling:   |
| _____ | _____ | a. Number, sign area, height and location of proposed signs   |
| _____ | _____ | b. Major types, heights and locations of outdoor lighting   |

\* Place a checkmark in the applicable column below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and b) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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- |       |       |  |
|-------|-------|--|
| _____ | _____ | 11. Required profiles shown at a scale of 1"=50' horizontal and 1"=5' vertical, or other scale preapproved by the Borough Engineer or Borough Staff. |
|-------|-------|--|

B. STREET INFORMATION

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Street centerline information, including bearings and distances   |
| _____ | _____ | 2. Horizontal curve data including radius, tangent, or length and delta, cord bearing and distance. Such information may be listed in a table, using reference numbers on a plan, provided that sufficient information is provided along each course (such as radius and arc length) such that each course can be reproduced in the field. |
| _____ | _____ | 3. Right-of-way and curb lines with horizontal curve radii at intersections  |
| _____ | _____ | 4. Beginning and end of proposed street construction   |

C. UTILITIES

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. If <u>centralized sewage service</u> is proposed:  |
| _____ | _____ | a. proposed contour lines on same sheet as utility layout   |
| _____ | _____ | b. location and size of lines and laterals, with locations corresponding to stations on the profile                     |
| _____ | _____ | c. locations of manholes, with invert elevation of flow line and grade at top of each manhole                           |
| _____ | _____ | d. proposed lotlines and any proposed easements or rights-of-ways needed for the utilities                              |
| _____ | _____ | e. location of all other drainage facilities and public utilities in the vicinity of sanitary sewer lines               |
| _____ | _____ | f. type, size, length and grade of sewer lines  |
| _____ | _____ | 2. If <u>centralized water service</u> is proposed:   |
| _____ | _____ | a. location and size of existing and proposed waterlines  |
| _____ | _____ | b. existing and proposed fire hydrant locations   |
| _____ | _____ | c. distance noted that water lines will have to be extended to reach existing lines (if not already abutting the tract) |

D. GRADING AND STORMWATER MANAGEMENT PLAN:

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Locations of existing and proposed storm drainage facilities or structures, including detention basins (with capacity), swales, pipes (with sizes), culverts and inlets |
| _____ | _____ | 2. Capacity, depth, dimensions and locations of detention basins   |
| _____ | _____ | 3. Watershed areas for each drainage structure or swale (for pre and post development) or point of concentration   |
| _____ | _____ | 4. Locations of any proposed or existing stormwater easements  |
| _____ | _____ | 5. Intended design year standards for culverts, bridge structures and/or other stormwater facilities   |
| _____ | _____ | 6. Schematic location of all underground utilities   |
| _____ | _____ | 7. See also requirements of Section 1008   |

\* Place a checkmark in the applicable column below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and b) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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E. EROSION AND SEDIMENTATION PLAN: (Unless approved at preliminary plan stage and will be unchanged)

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Drawings showing locations and types of proposed measures, complying with the regulations and standards of the County Conservation District and DER. |
| _____ | _____ | 2. Narrative describing proposed soil erosion and sedimentation control methods.  |

F. ROAD PLAN-PROFILES: (With profile drawings on same sheet as plan drawings)

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Required profiles shown at a scale of 1"=50' horizontal and 1"=5' vertical, or other scale pre-approved by the Borough Engineer or Borough staff. |
| _____ | _____ | 2. Profile of existing and proposed ground surface along centerline of street.   |
| _____ | _____ | 3. Proposed centerline grade with percent on tangents and elevations at 50 feet intervals.   |
| _____ | _____ | 4. All vertical curve data including length, elevations and minimum sight distance as required by Article X.   |
| _____ | _____ | 5. Cross sections at 50 feet intervals if required by Borough Engineer   |

G. WATER MAIN, SANITARY SEWER AND STORM DRAIN PLAN-PROFILES: (With profile drawings on same sheet as plan drawings)

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Profile of proposed ground surface with elevations at top of manholes or inlets        |
| _____ | _____ | 2. Profile of water main, storm sewer and sanitary sewer lines, corresponding to stations |
| _____ | _____ | 3. All line crossings of other utilities.   |
| _____ | _____ | 4. Invert elevations along flow lines   |

H. LANDSCAPE PLAN

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. General types, sizes and locations of any required street trees (see Section 1018), paved area landscaping (see Borough Zoning Ordinance) and any other major proposed landscaping. |
| _____ | _____ | 2. Any proposed fencing (including height and type) and/or landscaping around stormwater basins (see Section 1008)   |

\* Place a checkmark in the applicable column below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and b) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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I. ADDITIONAL FINAL PLAN REQUIREMENTS:

1. Protective covenants shall be placed on the land providing for:

- \_\_\_\_\_ a. clear sight triangle easements (see Sections 1004.H. and 1012.D.)
- \_\_\_\_\_ b. all needed utility, drainage, maintenance, pedestrian, open space or other easements.

2. Required Plan Notations. The following wording shall be required to be placed on any final subdivision or land development plan, as applicable:

- \_\_\_\_\_ a. If access will be provided onto a State highway and a required PennDOT Highway Occupancy Permit" has not been granted then the following or closely similar wording shall be stated:

*"NOTICE - A PennDOT Highway Occupancy Permit for Lot No(s). \_\_\_ is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a state highway is permitted. Access to the state highway shall be only as authorized by a PennDOT Highway Occupancy Permit. No Building Permits, Zoning Permits or Certificates of Occupancy shall be issued for said lot until such time as a PennDOT Highway Occupancy Permit has been secured and filed with the Borough. Borough shall not be held liable for damages to persons or property arising out of issuance or denial of a Highway Occupancy Permit by the PA. Department of Transportation, pursuant to Section 508 of the PA. Municipalities Planning Code."*

- \_\_\_\_\_ b. If on-lot water: "The well shall be constructed in accordance with standards of the Pennsylvania Department of Environmental Resources."
- \_\_\_\_\_ c. If applicable, notations stating that the property owner is responsible for maintenance of drainage swales.

3. Street Lighting

- \_\_\_\_\_ a. Existing street lighting
- \_\_\_\_\_ b. Any proposed street lighting (or notation stating none is proposed), including types of poles, spacing of poles and intensity of lamps

J. CONSTRUCTION DETAILS: (following any applicable Borough improvement standards).

- \_\_\_\_\_ 1. Typical cross-section and specifications for street construction as required by Section 1004.
- \_\_\_\_\_ 2. Drainage swale cross-section and materials.
- \_\_\_\_\_ 3. Pipe bedding details.
- \_\_\_\_\_ 4. Storm drainage structures details, including cross-sectional drawings, any detention basin outfall structure and spillway
- \_\_\_\_\_ 5. Sanitary sewer structures.
- \_\_\_\_\_ 6. Curb and sidewalk details.
- \_\_\_\_\_ 7. Street tree details.
- \_\_\_\_\_ 8. Erosion and sedimentation details.
- \_\_\_\_\_ 9. Centralized water details.
- \_\_\_\_\_ 10. Detailed plan and cross-sectional drawings for detention or retention basins.



\* Place a checkmark in the applicable column below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and b) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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K.      SUPPORTING DOCUMENTS AND ADDITIONAL INFORMATION:

Supporting written and data reports submitted at the time of the preliminary plan are not required to be resubmitted unless they need to be revised to reflect changes between the preliminary and the final plans.

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. A copy of any "Supporting Documentation and Additional Information" that was required for the Preliminary Plan and that needed to be <u>adjusted</u> or <u>revised</u> to reflect changes between the Preliminary and the Final Plan.   |
| _____ | _____ | 2. <u>If</u> the subdivision or land development was not required to submit a preliminary plan, a copy of any supporting information listed in Section 503 that is applicable to this project.   |
| _____ | _____ | 3. List of Modifications or Waivers requested to this Ordinance that are needed but have not yet been granted  |
| _____ | _____ | 4. Deed Restrictions. All private deed restrictions, homeowner or condominium association agreements or covenants already imposed or to be imposed as a condition to sale that may affect improvements or common facilities in the subdivision or land development plan. Any homeowner or condominium association agreement regarding maintenance of utilities and common facilities may be subject to review by the Borough Solicitor and acceptance by the Planning Commission.                  |
| _____ | _____ | 5. Nondedicated Streets Agreement. For any street not offered for dedication, an agreement stating who is responsible for the improvement and maintenance of such streets. The developer shall be responsible for such maintenance until the condominium or homeowners association is established and operational.   |
| _____ | _____ | 6. Open Space Agreement. For any common open space, a formal contract providing for the maintenance of open space and the method of management, together with all offers of dedication and covenants governing the reservation and maintenance of undedicated open space. This agreement is subject to the review of the Borough Solicitor and acceptance by the Planning Commission.  |
| _____ | _____ | 7. Stormwater Management Report, including all calculations relating to facilities appearing on the Grading, Storm Drainage and Erosion Control Plans, which shall be submitted for review by the Borough Engineer -see Section 1008   |
| _____ | _____ | 8. Development Schedule. A statement indicating the approximate date when major phases of construction can be expected to begin and be completed.  |
| _____ | _____ | 9. PennDOT Reviews. If a PennDOT highway occupancy permit is required and has not yet been granted, the applicant shall submit to the Borough a copy of the application to PennDOT for any needed occupancy permit to have access onto a State highway, and shall also submit any review comments received from PennDOT within 7 days of receiving such comments. If a needed permit is not issued prior to Final Approval, such permit shall automatically be a condition of Final Plan approval. |

\* Place a checkmark in the applicable column below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and b) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

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- |       |       |     |   |
|-------|-------|-----|---|
| _____ | _____ | 10. | Water Certification. If water service is proposed by means other than by private individual wells owned by the owner of each lot, the applicant shall present evidence to the Borough that the service will be provided by a certified public utility, a bona fide cooperative association of property owners or by a municipal corporation, authority or utility, as permitted by the Borough.       |
|       |       | a.  | This evidence shall include a copy of 1 or more of the following, as appropriate: a) the "Certificate of Public Convenience" from the PA. Public Utility Commission, b) a copy of an application submitted for such certificate or a cooperative agreement or c) a commitment or agreement to serve the area in question.   |
| _____ | _____ | 11. | If applicable, copy of the wetland study, and qualifications of person who prepared the study.  |
| _____ | _____ | 12. | For industrial operations or industrial storage: A written description of the proposed use in sufficient detail to indicate a) any noise, glare, smoke and fumes nuisances, b) to allow a general determination of possible fire, explosive, toxic, genetic, public health or other hazards and c) to estimate the amount, direction and times of any tractor-trailer truck traffic that is expected. |

L. MATERIALS REQUIRED PRIOR TO RECORDING: The following are not required at the time of final plan submission, but are required prior to recording of the final plan and prior to the construction of any buildings.

- |       |       |    |  |
|-------|-------|----|--|
| _____ | _____ | 1. | Utilities Agreements and Permits.  |
|       |       | a. | All signed agreements or contracts with utility companies, water companies or authorities or sewage companies or authorities for the provision of services to the project. |
| _____ | _____ | b. | Approval letters from all appropriate Federal and State agencies of any private central water supply system or private central sewage disposal system.                     |
| _____ | _____ | c. | Approved DER Sewage Planning Module, if applicable   |
| _____ | _____ | d. | DER Water Quality Management Permit, if applicable   |
| _____ | _____ | 2. | See "Record Plan" requirements in Section 902.   |

604. CERTIFICATION.

- A. All certification shall comply with the State professional licensing laws. At a minimum, all subdivisions of land are required by State law to shall be certified and stamped by a Registered Land Surveyor.
- B. At least 1 set of copies of plans provided to the Borough shall bear original signatures and original seals, which should be marked as a "Borough File Copy."

## ARTICLE VII

### MINOR SUBDIVISIONS AND LOT LINE ADJUSTMENTS

701. PURPOSE. This Article provides simplified procedures for submitting and reviewing minor subdivisions, land developments involving only a single non-residential building and lot line adjustments.
702. SUBMISSION AND REVIEW PROCEDURE. - The following submission and review process shall apply for Minor Subdivisions, Lot line adjustments, annexations, land developments involving only a single non-residential building and what the Borough determines to be minor revisions of approved plans.
- 702.A. Final Plan Submission Required. A Minor Subdivision or Lot Line Adjustment is not required to submit a Preliminary Plan, but shall be required to submit a Final Plan meeting the provisions of this Article VII.
- 702.B. Required Submission.
1. The Applicant shall file to the Staff at least 14 days prior to a scheduled Planning Commission regular meeting the required fee(s) and required number of copies of required plans and materials (see Section 703).
  2. If a State road is involved, the Applicant shall forward the required information to PennDOT and apply for a highway occupancy permit. If such permit is not granted prior to Final Plan approval, then it shall automatically be a condition of Final Plan approval, and the plans shall not be recorded until it is granted.
  3. Each Final Plan filed for minor subdivisions shall provide the information required by Section 703. Plans for Lot line adjustments shall provide the information required by Section 704.
  4. The applicant shall provide a copy of the plans for review to the County Planning Commission. A soil erosion and sedimentation control plan shall be provided to the County Conservation District if earth disturbance is involved.
- 702.C. Initial Actions by the Staff.
1. The Staff shall review the Submission items filed against a checklist for completeness and shall report such review to the Commission at its next regularly scheduled meeting.
  2. The Staff shall retain in the Commission's files one copy of all materials submitted by the Applicant.
  3. The Staff shall forward to the Commission at or before the next regularly scheduled meeting of the Commission: a) at least 1 copy of the Application Form, b) at least 1 copy of the Final Plan Checklist, c) several copies of the Final Plan and d) at least 1 copy of the Supporting Documents.

702.D. Determination of Completeness by Commission.

1. Based upon the initial review of the Borough Staff and/or the Borough Engineer, the Commission shall have authority, at its first regularly scheduled meeting after the Submission is filed in a timely fashion, to determine that a submission is significantly incomplete and therefore to refuse to review the submission further and to do one of the following:
  - a. Not accept the Submission, indicating the deficiencies, and return the fee (minus the costs of any Borough review) to the Applicant.
  - b. Accept the Submission as being filed for review on the condition that the Applicant shall file such additional required materials and information to the Staff or appropriate agency or person within a certain number of days from the date of such acceptance.
  - c. Table the acceptance of the submission until the next Planning Commission meeting where the applicant has met all of the submittal requirements, and has filed such materials within the required time period prior to the meeting. The 90 day time limit for action shall not begin until such acceptance.
  - d. Recommend that the Plan be rejected by Borough Council for just cause.
2. If the Commission determines that the Submission is significantly complete, as filed and as required, the Commission shall accept the plans and may begin its review.
3. Zoning Variances. An application under the Subdivision and Land Development Ordinance shall not be considered to be complete if one or more zoning variances will be required for the subdivision or land development to legally occur as submitted, until such time as the needed zoning variances have been granted.

702.E. Review by Borough Staff and Engineer. The Borough Staff and Borough Engineer should review the Plan and prepare report(s) on such considerations to the Commission.

702.F. Review by Commission. The Planning Commission shall accomplish the following within the time limitations of the PA. Municipalities Planning Code (unless the applicant grants a written time extension).

1. Review all applicable reports received from the appropriate review agencies and officers;
2. Determine whether the Final Plan Submission meets the requirements of this Ordinance and other applicable ordinances;
3. Review the Final Plan Submission and recommend any needed revisions so that the Submission will conform to this Ordinance and other applicable ordinances; and
4. Recommend approval, conditional approval or disapproval of the Final Plan Submission in an advisory report to Borough Council.

702.G. Decision by Borough Council. Borough Council shall:

1. Review any comments of the Commission, the Borough Engineer and

others;

2. Determine whether the Final Plan Submission meets the requirements of this Ordinance and other applicable ordinances; and
3. Approve or reject the Final Plan Submission within the time required by the PA. Municipalities Planning Code.  
(As of 1994, this law requires the Planning Commission to act not later than 90 days following the date of the first regular meeting of the Commission held after it has been duly filed for review; but in no case shall the Planning Commission' decision be made later than 120 days following the date the Submission was duly submitted, unless the Applicant grants a written extension of time.)
  - a. If the submission is rejected, the Borough shall identify defects found by the application, describe requirements which have not been met and cite the provisions of the ordinance or statute relied upon.
4. County Planning Commission Review. No subdivision or land development shall be granted final approval until a report is received from the County Planning Commission or until 30 days have passed from the date the application was forwarded to the County Planning Commission.
5. The decision of Borough Council shall be in writing and shall be communicated to the Applicant personally or mailed to him/her at the last known address not later than 15 days following the decision.
6.
  - a. The approval of the Final Plan by the Borough Council shall not by itself constitute an acceptance of the dedication of any street or other proposed public way, space or area, unless such acceptance is specifically made at such time.
  - b. Any such acceptance of dedication shall be specifically stated along with the signatures required for approval.
  - c. If Borough Council elects to accept lands offered for dedication, the Submission shall be accompanied by duly executed instruments of conveyance to the Borough. Such instruments shall state that the title thereof is free and unencumbered.

703. MINOR SUBDIVISION FINAL PLAN REQUIREMENTS. All of the following information and materials listed in this section are required as part of all minor subdivision submissions, other than lot line adjustments or submittals under Section 704. This list of requirements shall serve as both a list of requirements, and as a checklist for the applicant and the Borough to ensure completion of submissions. The applicant shall submit completed photocopies of this section as part of the application.

Section 703  
Borough of Mercersburg  
MINOR SUBDIVISION FINAL PLAN CHECKLIST  
AND LIST OF SUBMITTAL REQUIREMENTS

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Daytime Phone No.: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\* Place a check in the applicable column, except: 1) insert "NA" in the "Not Submitted" column if not applicable, and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

NOT  
SUBMITTED      SUBMITTED\*

A. GENERAL SUBMISSION ITEMS: (the Borough staff may require the submission of additional numbers of copies)

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Borough application/ review fee(s)/escrow   |
| _____ | _____ | 2. 2 copies of the Application (see Appendix A)  |
| _____ | _____ | 3. 2 copies of the Minor Subdivision Plan Checklist (using the photocopies of the pages in is Section)     |
| _____ | _____ | 4. 7 copies of the complete Final Plan and 4 copies of only the Layout Plan                                |
| _____ | _____ | 5. 2 sets of Supporting Documents  |
| _____ | _____ | 6. Dated receipt showing that applicant has submitted a copy of the Plan to the County Planning Commission |

B. DRAFTING REQUIREMENTS: All information shall be legibly and accurately presented.

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Plans prepared on a standard sized sheet (such as 18"x24", 24"x36", 30"x42" or 36"x48"). Sheets should be folded to approximately 9"x12" size, in such a manner that the title of the sheet faces out. |
| _____ | _____ | 2. Plans drawn at a scale of 1 inch equals 50 feet or other scale pre-approved by the Borough Engineer or Borough Staff   |
| _____ | _____ | 3. All dimensions set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.  |
| _____ | _____ | 4. Differentiation between existing and proposed features   |
| _____ | _____ | 5. Boundary line of the tract, shown as a heavy boundary line   |

C. GENERAL INFORMATION:

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Name and location of project (such as the "Smith Subdivision No. 2")   |
| _____ | _____ | 2. Name of landowner and developer (with addresses)   |
| _____ | _____ | 3. Names and addresses of abutting property owners, with abutting lot lines   |
| _____ | _____ | 4. Notarized Owners Statement of Intent (see Appendix B)  |
| _____ | _____ | 5. Name, address, signature, and seal of the plan surveyor and plan preparer. (See Appendix B)  |
| _____ | _____ | 6. Approval/review signature blocks for: the Borough Engineer, Borough Planning Commission, Borough Council and County Planning Commission staff (See Appendix B) |

\* Place a check in the applicable column, except: 1) insert "NA" in the "Not Submitted" column if not applicable, and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

SUBMITTED	NOT SUBMITTED*	
_____	_____	7. Location map showing the location of the project in relation to major streets and any municipal boundaries
_____	_____	8. North arrow, graphic scale, written scale
_____	_____	9. Date of plan and all subsequent revision dates (especially noting if is revision of a previously approved plan)
_____	_____	10. Deed Book volume and page number from County records
_____	_____	11. Tax map, block and lot number for the tract being subdivided

D. NATURAL FEATURES:

_____	_____	1. Contour lines shall be: <ul style="list-style-type: none"> <li>a. based on a field survey or photogrametric procedure at an interval of 2 feet (or other interval pre-approved by the Borough Engineer or Borough Staff) at a scale of 1"-100' or larger;</li> <li>b. Note- Contours are not required to be shown within areas of lots of 10 acres or more that are clearly not intended to be altered as a result of this proposed subdivision, unless needed for stormwater management</li> </ul>
_____	_____	2. Identification of any slopes of 15 to 25 percent, and greater than 25 percent
_____	_____	3. Areas within any hydric soils (see County Soil Survey), with a notation that there are none if that is the case
_____	_____	4. Watercourses (with any name), natural springs, lakes and wetlands. Detailed delineations with courses and distances of wetlands are not required if there is clearly no alteration, buildings, earthmoving or driveways proposed within 200 feet of any area that could be reasonably suspected of being wetlands; however, such areas suspected of being wetlands shall be shown on the plans
_____	_____	5. Areas of existing mature woods, with areas noted that are proposed to be preserved or removed

E. MAN-MADE FEATURES:

_____	_____	1. Existing and proposed lot lines <ul style="list-style-type: none"> <li>a. The boundaries of lots (other than a residual lot of at least 10 acres) shall be determined by accurate field survey, closed with an error not to exceed 1 in 10,000 and balanced.</li> <li>b. The boundaries of any residual tract which is greater than 10 acres may be determined by deed.</li> </ul>
_____	_____	2. Location of existing and proposed monuments
_____	_____	3. Sufficient measurements of all lots, streets, rights-of-way, easements and public areas to accurately and completely reproduce each and every course on the ground.
_____	_____	4. Buildings estimated to be 80 years or older that are proposed to be adversely impacted by the subdivision, with name and description
_____	_____	5. Sewer lines, storm water facilities, water lines, bridges and culverts

\* Place a check in the applicable column, except: 1) insert "NA" in the "Not Submitted" column if not applicable, and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

NOT  
SUBMITTED      SUBMITTED\*

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 6. Existing and proposed utility easements and restrictive covenants and easements for purposes which might affect development (stating which easements and rights-of-ways proposed for dedication to the municipality) |
| _____ | _____ | 7. Proposed (if known) and existing non-residential building locations and land uses  |
| _____ | _____ | 8. If on-lot water is proposed, locations of proposed wells, with dimensions from lotlines  |

F. ZONING REQUIREMENTS:

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Applicable zoning district and minimum lot area |
| _____ | _____ | 2. Minimum setback requirements shown for each lot |

G. PROPOSED LAYOUT:

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Total acreage of site and total proposed number of lots                |
| _____ | _____ | 2. Identification number for each lot                                     |
| _____ | _____ | 3. Lot width (at minimum building setback line) and lot area for each lot |

H. ADDITIONAL INFORMATION: The Plans Administrator, based upon review of the Borough Engineer, may require the submission of any additional information that would be required for the Final Plan of a major subdivision under Section 603, if needed to determine compliance with this Ordinance.

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Residual Lands Sketch. If the submitted plans do not include all undeveloped or underdeveloped adjacent or abutting lands owned by the same or landowner or under control of the same developer (or closely related corporations), then a sketch shall be submitted at an appropriate scale, on one sheet, covering all such land holdings together with a sketch of a reasonable future road system to demonstrate that the proposed subdivision provides for the orderly development of any residual lands and/or does not adversely affect the potential development of residual lands. |
| _____ | _____ | 2. Copy of the DER Sewage Planning Module application, if applicable, as completed by the applicant, with evidence that the application has been forwarded to the proper review agencies for comments   |
| _____ | _____ | 3. Copy of existing deed of property  |



704. LOT LINE ADJUSTMENTS, ANNEXATIONS AND MINOR REVISIONS OF APPROVED PLANS.

A. The reduced submission requirements listed in this section shall apply, together with the procedural requirements of Section 702, if either of the following apply:

- 1) the proposal will meet the definition of a "lot line adjustment" and/or
- 2) in the determination of the Borough staff, which may be based upon the advice of the Borough Engineer, the proposal will involve revisions to a previously approved plan and those revisions only involve changes in the supporting documentation or engineering details or to correct erroneous data or minor omissions concerning a plan previously granted final plan approval.

B. The following list of requirements shall serve as both a list of requirements, and as a checklist for the applicant and the Borough to ensure completion of submissions. The applicant shall submit completed photocopies of this section as part of the application. The required information listed in this Section may be combined or separated onto different sheets, provided that the plans will be clearly readable.

Section 704.C. - Borough of Mercersburg.  
LOT LINE ADJUSTMENTS, ANNEXATIONS AND  
MINOR REVISIONS OF APPROVED PLANS.  
CHECKLIST AND LIST OF SUBMITTAL REQUIREMENTS.

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Daytime Phone No.: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\* Place a check in the applicable column, except: 1) insert "NA" in the "Not Submitted" column if not applicable, and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

NOT SUBMITTED	SUBMITTED*	
_____	_____	1. Borough application/review fee(s)/escrow
_____	_____	2. 2 copies of the Completed Application (see Appendix A)
_____	_____	3. 2 copies of this Checklist (using the photocopies of the pages in this Section)
_____	_____	4. 7 print copies of the complete Final Plans and 2 copies of only the Layout Plan
_____	_____	5. Dated receipt showing that the applicant delivered a copy of the Plans to the County Planning Commission
_____	_____	6. Plans prepared on a standard sized sheet (such as 18"x24", 24"x36", 30"x42" or 36"x48")
_____	_____	7. Plans drawn at a scale of 1 inch equals 50 feet or other standard scale.
_____	_____	8. All dimensions set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
_____	_____	9. Differentiation between existing and proposed features
_____	_____	10. Boundary line of the tract, shown as a heavy line
_____	_____	11. Words "Final Plan" and name of project on each sheet
_____	_____	12. Notarized Owners Statement - see Appendix B
_____	_____	13. Plan preparer's statement signed and sealed by the Plan Preparer (See Appendix B)
_____	_____	14. Approval/review signature blocks for: Borough Planning Commission, Borough Council and County Planning Commission (see Appendix B)
_____	_____	15. Location map showing the location of the project in relation to major streets and any municipal boundaries
_____	_____	16. North arrow, graphic scale, written scale
_____	_____	17. Date of plan and all subsequent revision dates and submission dates (especially noting if is revision of a previously approved plan) with space for future revision dates
_____	_____	18. Existing and proposed lot lines and street rights-of-ways
_____	_____	19. Existing building locations and type of land uses
_____	_____	20. Applicable zoning district and required minimum lot area
_____	_____	21. Minimum setback requirements shown for each lot
_____	_____	22. Note stating type of water and sewer service proposed (such as "public water and public sewage service")
_____	_____	23. Lot width (at minimum building setback line) and lot area for each lot
_____	_____	24. Dimensions of each lot in feet
_____	_____	25. List of any requested Modifications/Waivers to this Ordinance

704.C. Additional Information. The Plans Administrator may require that a plan under this section include the submission of specific additional information that would be required if the plan would be a final minor subdivision plan, if such specific information is necessary to determine compliance with this Ordinance.

704.D. An annexation under this section shall be made part of the same lot with the same deed.

705. CERTIFICATION. Section 504 shall apply.

706. RECORDING PLANS. See Article IX.



## ARTICLE VIII

### IMPROVEMENTS GUARANTEES

#### 801. GUARANTEE OF IMPROVEMENTS INSTALLATION REQUIRED.

- A. Before approving any subdivision or land development plan for recording, Borough Council shall require that the Borough be assured by means of proper Financial Security that the improvements required by this Ordinance will be installed in strict accordance with the standards and specifications of this Ordinance, except:
1. if a developer chooses to install all required improvements prior to construction of any building, in place of using performance guarantees, in which case, the Borough shall as deemed necessary require the developer to provide adequate insurance, hold harmless agreements, an escrow account to cover the costs of inspections and a professional estimate of the costs of the improvements (to be used to establish the amount of the inspections escrow).
- B. Purpose of Security. The security required by this Article shall stand as security for compliance with all Borough ordinances, other laws, covenants, stipulations, conditions and resolutions applicable to the subdivision or land development for which it is filed.
- C. In any case, no construction of buildings or sales of any individual lot or condominium unit within a subdivision or land development shall take place unless:
1. there is on file, with the Borough, current duly executed and approved financial security, or
  2. all rough grading is complete and all required public improvements, utilities, streets, drainage facilities, sewers and any street lights have been completed and accepted by Borough Council.

#### 802. IMPROVEMENTS PROVIDED BY THE APPLICANT.

- A. Responsibility. The applicant for a subdivision, or the future purchaser of the entire subdivision shall have the primary responsibility to ensure installation of all improvements required by this Ordinance, unless the Borough Council specifically approves certain improvements being made the responsibility of future purchasers of individual lots.
- B. Inspections. The Borough Engineer or other Borough designee shall make such inspections of the required improvements at such intervals as may be reasonably necessary to assure compliance with this Ordinance. The reasonable costs of such inspection shall be borne by the subdivider or land developer, through use of an escrow account.
- C. Post-Construction Plans. The applicant shall provide the Borough, or its designee, with a complete set of post-construction plans that accurately show the construction as it actually was completed. Such plans shall be accompanied by a signed statement by the applicant that states that the construction was completed in general conformance with the approved plans.

#### 803. DEVELOPMENT AGREEMENT.

##### A. Development Agreement.

1. All applicants proposing any subdivision or land development which provides for the installation of improvements required by this Ordinance or any improvements or amenities which appear

on the Final Plan shall be required to enter into a legally binding Development Agreement with the Borough prior to recording of the Final Plan, unless: a) the applicant agrees to meet Section 801 concerning the construction of all improvements prior to the construction of any buildings or the sale of any lots or homesites, or b) Borough Council determines that a Development Agreement is not necessary.

2. The Development Agreement shall guarantee the installation of said improvements in strict accordance with all Borough requirements.
3. See Section 801.A. concerning financial security.

B. Terms of Development Agreement. The Development Agreement shall be acceptable in legal form to the Borough Solicitor and shall be acceptable in content to Borough Council. The Borough may require that a Development Agreement include any of the following items, where applicable, and such additional items as are necessary to carry out this Ordinance:

1. The construction depicted on the approved plans, listed in Itemized format, including all approved streets, drainage facilities, utility lines and other improvements.
2. A work schedule setting forth the beginning and ending dates of such work tied to the construction of the development, and provisions to allow proper inspection by the Borough Engineer.
3. The provision of a Performance Guarantee for completion of required improvements in compliance with Section 804, including a detailed breakdown of the estimated costs of the improvements, including the total amount of the Performance Guarantee.
4. Provisions concerning the developer's responsibilities for damage to other property, including maintenance by the developer of public liability insurance for the duration of improvements construction, with a hold harmless clause to protect the Borough from liability related to such work. A copy or other evidence of such liability coverage shall be provided to the Borough prior to such work.
5. Provisions requiring that the applicant and/or other responsible entities ensure that erosion, sedimentation and stormwater management plans are complied with.
6. Provisions for the dedication of streets, water and sewer lines and any other easements or improvements approved to be dedicated.
7. See Section 902 concerning the requirement for a "RECORD" plan.
8. Provisions for the developer to re-imburse the Borough for all reasonable engineering costs directly related to the review, construction and inspection of the proposed development and to the review and preparation of the development agreements.
9. Provisions concerning any violations of the Development Agreement.
10. Any other lawful terms which the Borough Council may require to carry out the provisions of this Ordinance.
11. Signatures. The development agreement shall be signed by all responsible landowners and/or developers.

C. Ownership of Land and Guarantee.

1. A certificate of ownership in the form of Appendix B shall be executed in the exact name in which title is held. If the developer(s) of a subdivision is someone other than the landowner(s) of the subdivision, the developer shall also execute this affidavit, along with a security agreement.
2. Change in Ownership or Developer. Any conveyance of all or a substantial portion of the unimproved lots or public improvements or streets of any subdivision or change in developers, whether voluntary or by action of law or otherwise, shall require prior approval by Borough Council. Any such conveyance shall automatically require that the new landowner and/or developer fully assume all applicable responsibilities under the development agreement and post all the appropriate security agreements.

D. Utility Agreements. If a development will connect into a public water or public sanitary sewage system, the applicable authority, agency or company may also require separate development agreements.

804. PERFORMANCE GUARANTEE. The Performance Guarantee for completion of required improvements shall meet the following requirements:

A. Security.

1. The Guarantee shall be secured by any of the following:
  - a. An irrevocable and unconditional letter of credit of a Federal or State chartered lending institution,
  - b. A restrictive or escrow account in a Federal or State chartered lending institution, or
  - c. Such other financial security approved by Borough Council (which approval shall not be unreasonably withheld), but not including a second or third mortgage on unimproved lands.
2. Such approved security shall provide for, and secure to the public, the completion of any improvements which may be required within 1 year after of the date fixed in the Development Schedule for the completion of such improvements. It is the responsibility of the developer to ensure that such security remains in effect during the entire time period of construction of improvements. The Borough Staff may withhold or suspend the issuance of permits if such security lapses.
3. Such financial security shall be posted with an approved institution or entity authorized to conduct such business within Pennsylvania.
  - a. Borough Council may require that evidence be provided that such institution or entity has adequate and sufficiently secure assets to cover the security.
  - b. The Borough shall be the authorized signatory on any account in which the escrow funds are held.

B. Amount.

1. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer in the official development schedule.

2. The cost of the improvements shall be established by an estimate prepared by a PA. Registered Professional Engineer, which shall be reviewed by the Borough Engineer, within the arbitration process permitted by the PA. Municipalities Planning Code.
3. Inflation. If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by a maximum of an additional 10 percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.
4. Inspection Fees. The amount of financial security may also be required to include an additional 5 percent of the estimated cost of completion of the work to guarantee payment of inspection fees and related engineering costs.

C. Multi-Year or Multi-Stage Development. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plans by phases/stages of development subject to such requirements or improvement guarantees concerning future improvements as it finds necessary for the proper functioning of each phase and for the eventual development as a whole. Such phasing may also be approved through a Development Agreement.

#### 805. APPROVAL OF IMPROVEMENTS.

A. In General. As the work of installing the required improvements proceeds, the party posting the financial security may from time-to-time request Borough Council to authorize the release of portions of the financial security related to the work that has been completed.

B. Notice by Developer of Work on Improvements.

1. The developer or his/her representative shall provide a minimum of 3 days notice to the Borough Engineer, or other inspection official designated by the Borough Manager, prior to beginning each major facet of construction, in order to allow the scheduling of inspections.
2. When an improvement has been completed, the developer shall notify the Borough and request release of related financial security in writing to Borough Council by certified or registered mail. The developer shall send a copy of letter to the Borough Engineer at the same time.

C. Engineer's Report.

1. Within 30 days of the receipt of such request, the Borough Engineer shall submit a written report certifying which improvements have been completed in accordance with the approved plan to Borough Council and mail a copy of such report by certified or registered mail to the developer or his/her representative at his/her last known address.
2. This report shall be based on site inspections and shall recommend approval or rejection of the improvements, either in whole or in part.
3. The Borough Engineer shall state if any of the improvements related to the developer's request for release of funds have not been satisfactorily completed as approved.

D. Decision by Borough Council.



1. At its first regularly scheduled meeting after receiving the Engineer's Report (but not later than 45 days after the receipt of the request), Borough Council shall review the Borough Engineer's report and shall authorize the release of funds estimated by the Borough Engineer to fair represent the value of the improvements satisfactorily completed.
2. Borough Council shall be deemed to have approved the release of funds as requested if Borough Council fails to act within 45 days of receipt of the developer's request.
3. Until final release (completion of all improvements), Borough Council may require that a maximum of 10 percent of the cost of each completed improvement be retained.
4. Borough Council shall notify the developer in writing by certified or registered mail of the decision.

E. Completion of Unapproved Improvements. The developer shall satisfactorily complete any required improvements that Borough Council determines are not satisfactory or complete. Upon completion, the applicant may request approval in conformance with the procedures specified in this Section 805.

F. Final Release.

1. When the developer has satisfactorily completed all of the required improvements, the developer shall request Final Release in conformance with the procedures specified in this Section 805. See time limitations and procedures in Section 510 of the PA. Municipalities Planning Code.
2. Such Final Release shall include all moneys retained under Section 805.D.3.

G. Appeal. Nothing herein, however, shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise any determination of Borough Council or the Borough Engineer.

H. Certificates of Occupancy and Completion of Improvements.

1. A temporary or final certificate of occupancy, if required, shall not be issued and a structure shall not be occupied unless all principal buildings have access to a clearly permanently passable street with at least a complete paving base course and any required curbing installed. Note- As of 1994, the Borough did not require Certificates of Occupancy.
2. In addition to part "H.1." above, no final certificate of occupancy shall be issued until the structure is completed as approved with service by all required utilities and with all access onto a street completed to required standards, if applicable.

## 806. REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS.

A. Enforcement of Security.

1. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved Final Plan, or in the event of the bankruptcy of the owner or developer, Borough Council is hereby granted the power to elect to enforce any security posted under this ordinance by appropriate legal and equitable remedies.

a. This may include taking all actions necessary to obtain moneys under said security, including but not limited to seizure of undeveloped lots, seizure of escrow funds, revocation of building permits and prosecution under this Ordinance.

2. **Rate of Construction.** Failure of a developer to construct streets and other public improvements reasonably at the same time or prior to the construction of the buildings served by those streets or public improvements, and at the same rate in time at which buildings are completed, shall be a violation of this Ordinance and a cause for default of the security.

B. **Completion by Borough.** If the proceeds of such security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, Borough Council may at its option install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

C. **Proceeds for Installation of Improvements.** The proceeds from use of the security and/or from any legal or equitable action brought against the developer shall be used solely for the installation of the improvements covered by such security.

807. **MAINTENANCE GUARANTEE.**

A. **Maintenance Guarantee Required.** All applicants proposing any subdivision or land development which provides for the public dedication of improvements required by this Ordinance shall be required to provide a legally binding Maintenance Guarantee to the Borough prior to acceptance of dedication of the improvements by the Borough. In most cases, this Guarantee will be part of the Security Agreement.

B. **Terms of Maintenance Guarantee.** The Maintenance Guarantee shall be acceptable in legal form to the Borough Solicitor and in content to Borough Council, and shall include all of the following:

1. that the Applicant make any repair or reconstruction of any improvement stipulated in the Maintenance Agreement which is specified by Borough Council if needed because of faulty construction, workmanship, or materials, prior to acceptance of such improvement by the Borough,

2. that the Applicant maintain at his/her own cost all improvements stipulated in the Maintenance Agreement, up to a maximum period of 18 months from the date of completion, unless specified otherwise,

3. that the applicant post financial security to secure structural integrity of and proper functioning of such required improvements in accordance with the design and specifications as depicted on the final plan, for a maximum term of 18 months from the date of completion, and

4. that the developer plow snow and maintain all streets until such time as the Borough may accept such streets.

C. **Public Utilities and Authorities.** If water mains and/or sanitary sewer lines and related facilities are to be installed under the jurisdiction and under the rules and regulations of a public utility or municipal authority, 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. This amount of financial security shall not also be required by the Borough if it is required by such utility or authority.

- D. Type of Security. The Maintenance Guarantee shall be secured by the same form of security as is permitted for the improvements guarantees.
- E. Terms. Such security shall be payable to and enforceable by the Borough of Mercersburg.
- F. Amount. The amount of the Maintenance Guarantee shall be determined by the applicant's engineer, conditioned upon acceptance by Borough Council, but shall not exceed 15 percent of the actual cost of installation of such improvements.
- G. Release. After a maximum of 18 months from the date of completion of said improvements, the Borough shall release the Maintenance Guarantee to the developer (or party that posted the guarantee) if all improvements are in satisfactory condition, as determined by the Borough.

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## ARTICLE IX

### RECORDING OF FINAL PLAN

#### 901. RECORDING OF FINAL PLAN.

##### A. Deadline.

1. The Applicant is responsible to ensure that the Final Plan as approved by the Borough Council is recorded in the Office of the Recorder of Deeds of the County within 90 days of such final approval.
2. If the Final Plan approval included official conditions that must be met prior to recording, then the plan shall be recorded within 90 days following the compliance with such conditions, up to a maximum total of 1 year following the final plan approval.
3. In any case, specific extensions of these time periods may be granted in writing by the Borough Council.
4. The Applicant shall mail or deliver a receipt of the recording to the Plans Administrator.

B. At its option, the Borough may voluntarily agree in advance to record a Final Plan, in which case the applicant shall compensate the Borough for such costs.

C. The Final Plan shall not be recorded unless the Plan is signed by the President or Acting President of Borough Council. The Plan shall not be authorized for recording unless the applicant proves that they have met all required conditions that the Plans Administrator determines would impact the recorded Final Plan.

#### 902. RECORD PLAN. The applicant shall provide to the Borough 1 mylar and 1 paper clear and legible copies of the Record Plan, in addition to providing a mylar copy to the County (and/or whatever form is required by the County). The Borough copies shall be made after recording, and shall be exact copies of those portions of the approved Final Plan that the Borough requires to be recorded. Such Record Plan, at a minimum, shall include all of the following:

- A. street right-of-ways,
- B. any common open spaces or dedicated parkland,
- C. easements, and any covenants that the Borough required to be placed on the Final Plan,
- D. lot lines and lot dimensions,
- E. water lines, sanitary and storm sewer lines and stormwater drainage facilities,
- F. the required signatures of Borough officials and the County Planning Commission staff and
- G. notations stating whether the streets, any common open space and other proposed improvements are to be offered or not offered for dedication to the Borough.

#### 903. EFFECT OF RECORDING. Every street, park, or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, shall be deemed to be a private street, open space, or improvement until such time it may be offered and officially accepted for dedication to the Borough, or is duly condemned.

MEMORANDUM

TO : SAC, NEW YORK

DATE: 11/15/54

RE: [Illegible]

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## ARTICLE X

### DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

1001. MINIMUM REQUIREMENTS. The design standards and improvements required in this Article are the minimum requirements for approval of a subdivision or land development. Additional or higher type improvements may be required in specific cases as a condition of approval where the Borough Council determines such improvements are clearly necessary to protect the public health and safety.
1002. REQUIRED IMPROVEMENTS. This Article sets forth the design and construction standards for required improvements, regardless of whether the improvement will be dedicated to the Borough.
1003. OVERALL REQUIREMENTS.
- 1003.A. Land shall be suitable for the purpose for which it is to be subdivided or developed.
- 1003.B. Hazardous Conditions. Subdivisions or land developments subject to hazardous conditions (such as open quarries, hazardous or toxic site pollution, unconsolidated fill, floods, excessive erosion or unsafe water supply) shall not be approved until the developer has provided or has legally committed to provide adequate measures to overcome or eliminate the hazards, in the determination of the Borough Council, to the best of their knowledge. However, the Borough accepts no responsibility to identify hazards or to guarantee their resolution.
- 1003.C. Zoning. All aspects of a proposed subdivision or land development shall conform to the Borough Zoning Ordinance and all other Borough Ordinances and specifications.
- 1003.D. Nearby Development. A subdivision or land development and its street pattern shall be coordinated with existing or approved nearby developments or neighborhoods to help develop the area harmoniously and to help prevent conflicts with neighboring uses.
- 1003.F. Safety. No subdivision or land development shall occur in such a way that would significantly threaten the public health and safety, including hazards of toxic substances, traffic hazards, explosive hazards and fire hazards.
1004. STREETS.
- 1004.A. Access to Streets. See Section 801.A. of the Borough Zoning Ordinance.
- 1004.B. Streets and Topography. Proposed streets shall be adjusted to the contour of the land to produce usable lots and reasonably sloped streets.
- 1004.C. Street Continuations.
1. **Stub Streets.** Where deemed necessary by the Borough Council for efficient movement of traffic, a subdivision or land development shall include the extension of a proposed street with right-of-way to the boundary line of the tract to provide for an eventual extension into the adjacent tract for efficient circulation of traffic throughout the area.

2. **Widening.** Where a subdivision or land development abuts or contains an existing street of inadequate cartway or right-of-way width, additional right-of-way and/or cartway width shall be required where determined by the Borough Council to be necessary, up to the widths stated in Table 10.1, "Design Standards for Streets."

1004.D. Intersections.

1. The centerlines of streets shall intersect at right angles except where the Borough Council determine that a right angle intersection is not feasible. In such case, the intersection shall be at as nearly a right angle as possible, with an absolute minimum angle of 75 degrees.
2. **Alignment of Street Intersections.**
  - a. No more than two streets shall intersect at one point.
  - b. Where a proposed street or business driveway intersects an existing cross street, such proposed street or business driveway shall be aligned with any street intersecting on the other side of the cross street, unless the Borough Council or PennDOT determine that such alignment is not reasonable or feasible.
  - c. If a proposed street cannot intersect at the same point as a street intersecting on the other side of the cross street, then the proposed street shall be offset by the following minimum distances from the nearest intersection of streets:
    - 1) 150 feet along a local street,
    - 2) 300 feet along a collector street, and
    - 3) 1,000 feet along an arterial street.
    - 4) **Measurement.** The minimum distances of this subsection shall be measured between the points where the centerlines of the right-of-ways of the intersecting streets intersect with the centerline of the cross street.
3. At street intersections, lot lines shall be rounded by arcs with the radii listed below. For arterial streets, the Borough Council may require a larger radius than stated below, if recommended by the Borough Engineer.

<u>Type of Street</u>	<u>Minimum Radius of Arc at Intersection of Cartway Edge or Curb Line (in feet)</u>	<u>Minimum Radius of Arc at Intersection of Right-of-Way (in feet)</u>
Arterial	40	30
Collector	35	25
Local	25	15

- 1004.E. Arterial Street Frontage. Where a subdivision or land development abuts or contains an existing or proposed arterial street, the Borough Council shall require one or more of the following methods of layout and site design if it determines one or more of these methods will be reasonable, feasible and necessary to avoid increased traffic congestion and improve traffic safety. The Commission's decision to use one or more of the following methods shall consider any recommendations of: the Borough Engineer, PennDOT and any professional traffic studies that have been submitted.



1. the restriction of ingress and egress involving left-hand turns onto or off of the arterial street, and/or
2. prohibiting driveways of individual dwellings from directly entering onto an arterial street.
3. Where individual driveways are permitted to access onto an arterial street, each driveway shall have adequate turn-around space for vehicles provided within the lot so that vehicles do not back onto the street.

1004.F. Street Design Standards.

1. Minimum street design standards shall be as shown in Table 10.1., unless PennDOT establishes a more restrictive requirement for a State road.

**TABLE 10.1 - DESIGN STANDARDS FOR STREETS**  
(All Dimensions in Feet Unless Specified)

DESIGN SPECIFICATIONS	TYPE OF STREET:		
	Arterial	Collector	Local
Right-of-Way Width *****	60 to 80	50 to 60	50
Cartway Width	As determined by PennDOT to be necessary	30 to 36 *****	26 to 32 *****
Minimum Sight Distance*	475	300	200
Minimum Tangent between Reverse Curves **	200	100	100
Minimum Centerline Radii for Hori- zontal Curves	400***	300	150
Maximum Grade****	6%	8%	10%

- \* Horizontal sight distances shall be measured from a point 3.5 feet above the road surface to a point 6 inches above the road surface, and shall be based upon standards of the American Association of State Highway and Transportation Officials (AASHTO).
- \*\* All tangents shall be measured along the street centerline.
- \*\*\* Larger radii may be required as determined to be needed by the Borough Engineer or PennDOT.
- \*\*\*\* Minimum grades for all streets and alleys shall be 0.5 percent.
- \*\*\*\*\* Borough Council shall determine the appropriate width within the ranges provided in this table based upon: the width of connecting streets, the need for on-street parking, the amount of traffic expected over the long-run once any street extensions are completed and recommendations of the Borough Staff and/or Borough Engineer. Generally, local streets in most cases are intended to have a minimum cartway width of 30 feet, except:

- a) Cul-de-sac streets that ultimately will serve fewer than 20 dwelling units shall be permitted to have a minimum cartway width of 26 feet.
  - b) If single family detached residential lots of 20,000 square feet or more will be located on both sides of a local street, then that street may have a minimum cartway width of 20 feet, provided that 4 feet wide shoulders of approved construction are provided on each side of the street.
2. Horizontal curves shall connect street lines that are deflected in excess of 2 degrees.
  3. Vertical curves shall be used at changes of grade exceeding 1 percent. The length of the vertical curve shall be determined by the required site distance specified in Table 10.1.
  4. All approaches to an intersection of 2 or more streets shall have a levelling area not greater than 5 percent grade for a distance of 25 feet, measured from the nearest right-of-way line of the intersecting street.
  5. The minimum grade of any street gutter shall be 0.75 percent.
  6. Alleys shall be used only for secondary access to property. An alley serving one-way traffic shall have a minimum cartway width of 10 feet and a minimum right-of-way width of 16 feet. An alley serving two-way traffic shall have a minimum cartway width of 16 feet and a minimum right-of-way width of 22 feet.

1004.G. Easements. See Section 1011.

1004.H. Sight Distance.

1. A "sight distance triangle" as described in this Section shall be permanently be kept free of visual obstructions to motorists. This triangle shall be shown on development plans submitted to the Borough.
2. The sight distance triangle shall be measured along the curblines of intersecting streets. If no curbline is established, then the triangle shall be measured along the existing street right-of-way line. The distance shall be measured 20 feet along each curbline measured from where the curblines would intersect if continued in a straight line at the corner.

1004.I. Cul-de-Sac Streets.

1. Cul-de-sac streets shall be permitted with a maximum length of 1,000 feet. Cul-de-sac streets shall be provided with a turn-around with a minimum paved cartway radius of 40 feet to the face of the outside curb.
2. The circular right-of-way of the cul-de-sac shall maintain a minimum 10 feet width between the edge of paving and the edge of the legal street right-of-way. The circular paving of the cul-de-sac shall be connected to the approach paving by an arc having a radius of not less than 50 feet.
3. The Borough Council may permit acceptable alternative turn-around designs, including a turn-arounds of acceptable radii incorporated into a parking court or a landscaped island (with an acceptable system for maintenance) within a cul-de-sac.

4. No street shall dead-end without an approved turn-around at the end of the street. Temporary stub streets shall be required to include a temporary cul-de-sac if the stub would be longer than 150 feet or serve more than 3 dwellings or lots.
5. The maximum cross slope on the circular part of a cul-de-sac shall be 8 percent.
6. A cul-de-sac street shall serve a maximum of 30 dwelling units.

1004.J. Maintenance. As a condition for Final Plan approval, the developer must enter into a legally binding agreement which shall state who is to be responsible for the improvement and maintenance of any street not offered for dedication. If an association of lot owners is to be made responsible, such association must be legally organized prior to plan approval by an agreement approved by the Borough.

1004.K. Street Design and Construction Standards.

1. Streets shall be graded, improved and surfaced to the grades and dimensions shown on plans, profiles and cross-sections submitted by the developer that meet applicable Borough standards. See width and slope requirements in Section 1004.F.
  - a. All new and extended streets shall be constructed of the following, except as provided in subsection "3." below, or unless the Borough adopts differing standards by resolution or ordinance:
    - 1) 6 inches compacted aggregate base course
    - 2) 1.5 inches compacted ID-2 binder course
    - 3) 1 inch compacted ID-2 wearing course
2. Right-of-Way Grading.
  - a. The entire right-of-way shall be graded to the approved cross-section. All trees, stumps and other material deemed unsuitable by the Borough Engineer shall be removed. The excavation shall be backfilled and suitably compacted to the satisfaction of the Borough Engineer.
  - b. The finished street surface shall be crowned in conformance with the Borough specifications.
3. Alternative Street Specifications. An applicant may, if recommended by the Borough Engineer and approved by the Borough Council, use an alternative road bed design that is specifically recommended for that type of street by a current official publication of PennDOT. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above.

1004.L. Private Streets. In order to provide adequate access for emergency vehicles and to meet other objectives of this Ordinance, any private street serving any of the following shall be constructed to Borough street construction standards: a) 10 or more dwelling units, b) 4 or more lots, or c) 2 or more principal non-residential buildings.

1004.M. Required Traffic Improvements.

1. Purpose - In recognition of the provisions of the Traffic Impact Fee amendments to and Sections 503(2)(ii) and 503(3) of the PA. Municipalities Planning Code, this Section is

primarily intended to ensure that streets bordering a subdivision or land development are coordinated and of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic and to facilitate fire protection and to ensure that the access into and out of subdivisions and land developments is sufficiently safe.

2. Process. This sub-section "M." shall be carried out through determinations of the Borough Council, after considering any recommendations of the Borough Engineer, the applicant, the applicant's professional representatives, any comments from PennDOT that may be provided regarding a State road and any professional traffic studies that may have been submitted.
3. On-Site/ Abutting Traffic Improvements. If, in the determination of the Borough Council, there is a reasonable relationship between the need for an "on-site improvement" of a street and the traffic created by a proposed subdivision or land development, the applicant for such subdivision or land development shall be required to complete the needed improvement or fund his/her fair share of the cost of such traffic improvement and to dedicate sufficient street right-of-way for needed improvements.
  - a. Widening of Abutting Roads. Where an existing abutting public street is of inadequate width, an applicant for any land development or major subdivision shall be required to widen the cartway of abutting streets to Borough standards to result in a minimum paved cartway width of 14 feet on each side of the centerline.
    - 1) The applicant shall only be responsible for improvements from the centerline of the street right-of-way inward towards the project's lot lines, unless the Borough Council determines that improvements on the other side of the centerline are essential for public safety.
    - 2) A lesser width may be permitted where the Borough Council determines that such would be appropriate and/or would save mature trees.
    - 3) A wider width may be required by the Borough Council where needed along a collector or arterial street.
  - b. Such improvements and right-of-way shall be required unless the Borough Council determines:
    - 1) that there is not a reasonable relationship between the improvements and the traffic created by the the proposed development, or
    - 2) that widening or right-of-way or other improvements are not needed or that a lesser improvement is sufficient or
    - 3) that PennDOT specifically refuses in writing to allow such improvement to a State road in the foreseeable future, in which case the Borough may still require that abutting right-of-way be dedicated to the Borough or reserved for future dedication if needed in the future.
  - c. Any improvement to a State street shall meet all PennDOT standards.
4. Types of Required Traffic Improvements.
  - a. The following shall be the definition of "on-site improvement," (unless this definition is amended by State law): "all street improvements constructed on the applicant's property, or the improvements constructed on the property abutting the applicant's property necessary for the ingress or egress to the applicant's property."

- b. On-site improvements may include, but are not limited to, a new or upgraded traffic signal, land dedication to improve an abutting intersection, realignment of an abutting curve in a road or the widening of the abutting cartway and right-of-way.
  - c. The Borough shall not require an applicant to fund or complete a road improvement that is an "off-site improvement", unless the Borough Council determines that such improvement is clearly essential for the physical safety of the occupants/residents of the proposed development (such as for emergency vehicle access).
5. **Funding.** In place of completing a required street improvement as a condition of final approval, an applicant may enter into a legally binding development agreement with the Borough for the applicant to fund the improvement, or his/her fair share of such improvement, as determined by the Borough Council.
  6. **Accounting.** Any such funds may be placed in escrow until such time as sufficient funds are available for a more comprehensive improvement, with interest being used towards the cost of the improvement. Any such funds received under this sub-section shall be accounted for separately.
  7. **Staging.** Any completion or funding of a required road improvement may occur in stages in relationship to the stages of the development, if so stated in a legally binding development agreement and/or as a condition of final plan approval.
- 1004.N. **Flood-Prone Areas and Streets.** The finished elevation of proposed streets shall not be more than 6 inches below the 100 Year flood elevation, except for a perpendicular crossing of a street that may be approved by the Borough Engineer if the applicant proves that such depth of floodwaters would not prevent vehicular access to principal buildings. The 100 Year flood elevation shall be shown on street profiles where such flood may impact such street. Sufficient inlets and other drainage measures shall be provided to control such flooding.
1005. **BLOCKS.** Residential blocks shall not exceed 1,500 feet in length, unless specifically permitted by the Borough Council.
1006. **LOTS.**
- 1006.A. The average depth-to-width ratio of a lot shall generally not be greater than 3 to 1, unless otherwise permitted by the Borough Council.
- 1006.B. Side lot lines shall abut and be approximately at right angles to straight streets and on radial lines to curved streets, unless otherwise permitted by the Borough Council. Pointed or very irregularly shaped lots shall be avoided.
1007. **MONUMENTS AND LOT PINS.**
- 1007.A. **Monuments.**
1. **Location.** Permanent reference monuments shall be located at each intersection of rights-of-ways of street(s) constructed by the Developer, at the beginning and ending of all street curves, and at exterior corners of the subdivision or land development, unless an alternate arrangement is approved by the Borough Engineer that still permits a

surveyor to stake out accurately any building lot shown on the Record Plan.

2. **Type.** Reference monuments shall be constructed of steel reinforced portland cement concrete or to other materials pre-approved by the Borough Engineer, and should have a minimum size of 4 by 4 inches at the ground level and shall have the top be flush or slightly above the grade level.

1007.B. **Lot Pins.** All lot corner markers shall be permanently located and shall be at least a 3/4 inch metal pin or pipe with a minimum length of 20 inches, located in the ground to existing grade, or other type of lot pin approved by the Borough Engineer.

1008. **STORM WATER MANAGEMENT.**

1008.A. **General Provisions.**

1. **Act 167 Ordinances.** See the provisions of any applicable Borough Stormwater Management Ordinance that may be adopted in the future under State Act 167 of 1978. Such a stormwater ordinance, as amended, is referenced herein by the term "the Act 167 Ordinance."
2. **Consistency With Act 167.** The provisions of this Section 1008 shall apply except where a specific provision of any Borough-adopted Act 167 Ordinance supercedes this Ordinance under a specific provision of the PA. Stormwater Management Act, such as regarding release rates. In case of any differences between any Act 167 Ordinance and this Section where the Act 167 Ordinance does not supercede, then the more restrictive requirement shall apply.
3. **Velocity Control Measures.** The Borough Council, based upon the recommendations of the Borough Engineer, may require specific sizes or types of stormwater velocity control measures based upon both the need to control the velocity and upon long-term maintenance concerns, for outfall velocities greater than 3.0 feet per second.
4. **Storm water runoff from any subdivision or land development (including during construction and earthmoving) shall not occur at a peak rate (measured in cubic feet per second) that is greater after development than occurred prior to development, except as may be specifically required otherwise by any Act 167 Ordinance. Such evaluation shall be based upon 24-hour 2-, 10- and 25-year frequency storms.**
  - a. The applicant shall prove that the stormwater facilities will be able to properly manage a 100-year frequency storm in such a manner that it will not cause additional principal buildings on or off of the site to be flooded by such a storm.
  - b. The applicant shall prove compliance with the Borough floodplain regulations. In any case, at an absolute minimum, the first floor elevation of any new principal building shall be placed at least 1.0 foot above the 100 year flood elevation.
5. **Runoff shall be controlled from a site using appropriate means of detention of water on the site and/or other approved types of storm water management, within the requirements of this Ordinance.**

6. Runoff that is detained shall be held and released at a pre-determined controlled rate by appropriately installed devices. The release shall be in the same manner as the natural or predevelopment means of discharge from a site (such as point discharge or sheet flow).
7. Storm water runoff shall not be increased or redirected in such a way that it results in hazards to persons or property or interferes with the normal movement of vehicles.
8. All storm water management methods are subject to approval by the Borough Engineer, including all outlet locations.
9. All lots shall be laid out and graded to prevent cross lot drainage, to provide positive drainage away from proposed building locations. Storm water shall also be not be redirected towards buildings off of the site.
10. All storm water management plans shall take into account and provide for existing flow from upstream areas within the entire watershed.
11. The existing points of natural drainage discharge onto adjacent property shall not be altered to increase flows nor shall the concentration of water runoff be increased because of development without the written approval of all affected landowners.
12. No storm water runoff or watercourse shall be diverted in a way that overloads existing drainage systems, or creates flooding or the need for additional drainage structures on other private properties or public lands, without Borough approval of provisions to be made by the developer for properly handling such conditions, including water runoff impoundments, if necessary.
13. An adequate storm sewer system consisting of inlets and underground drainage pipes with approved outlets shall be constructed where the runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities, as determined by the Borough Council, based upon the recommendation of the Borough Engineer, based upon the expected velocity and depth of the stormwater flows and the proximity of dwellings.
14. Sequence of Construction. No substantial grading shall occur and no building permits shall be issued for any building unless any detention basin, siltation basin or improved major swale approved to handle the resulting runoff is in place. Any detention basin shall be seeded and stabilized and have an installed outlet structure prior to the construction of any streets or buildings within that drainage basin.
15. Phasing. The phasing of a development shall ensure that all stormwater facilities needed to manage runoff from a phase are in place and functioning adequately prior to and after the construction of buildings in that phase. This shall, for example, include the extension of the main outfall line. This may require the use of temporary structures, which shall be shown on submitted plans. If the development occurs in phases, the entire system shall be shown as part of the preliminary plan submission.
16. Post-Construction Plans. See Section 802 of this Ordinance.
17. Inspections and Maintenance Guarantees. See Article VIII of this Ordinance.

1008.B. Calculations of Stormwater Runoff. The methods and design storms described in the Act 167 Ordinances shall apply. The storm water calculations shall include the following:

1. Information required for Preliminary and Final Plans within Articles V, VI and VII of this Ordinance,
2. Pre- and post-development drainage maps showing existing and proposed grades and including any off-site tributary area,
3. Pre- and post-development runoff calculations,
4. Detention basin design calculations (as applicable),
5. Pipe and swale sizing calculations,
6. Such information as the Borough Engineer determines is needed to determine compliance with this Ordinance, including, but not limited to, slopes, proposed elevations, typical cross sections and details.

1008.C. Design Submission.

1. If located within the 100-year floodplain, any storm water management structures and systems shall be designed to withstand a 100-year storm and to not inhibit movement of water within the 100-year floodway. A 24 hour Type II storm shall be used if using the soil complex method.
2. The storm water management plan shall show that a 100-year, 24-hour storm can be safely conveyed without jeopardizing any principal building on or adjacent to of the site.
3. All plans showing the proposed storm drainage construction must be accompanied by a complete design stamped and signed by a Pa. Registered Engineer or Pa. Registered Landscape Architect.

1008.D. Methods of Detention and Flow Delay. The following methods of detention or flow-delay devices may be found to be acceptable by the Borough Engineer:

1. Wet or dry ponds and detention basins
2. Roof storage and increased roof roughness
3. Parking lot detention
4. Porous pavements, grassed channels and vegetated strips
5. Cisterns, underground reservoirs or covered ponds
6. Increasing the roughness coefficients on the development's surface area
7. Decreasing the percentage of impervious area
8. Promoting groundwater recharge
9. Routing flow over lawns in swales within stormwater easements
10. Detention storage within the storm sewer
11. Another method that may be approved by the Borough Engineer

1008.E. Detention Basins Standards.

1. Perforated risers, staggered orifices, V notch wiers, or other outlet structures as approved by the Borough Engineer, may be required for outlet control.
2. All detention basins shall be designed with an emergency spillway.
  - a. The emergency spillway shall be able to pass the 100 year post-development peak discharge at a height of 0.75 feet.



- b. The emergency spillway shall convey the 100-year storm at a maximum depth of 1 foot over spillway. The downstream slope of the spillway shall as a minimum extend to the toe of the berm embankment. The edge of the basin grading shall be within the subject property.
    - c. All detention basin outflow structures shall be designed with trash racks over the outflows.
  3. The emergency spillway and the outfall of the detention basin shall be lined with mortared rip rap and shall meet requirements of PennDOT Publication 408, or its successor.
  4. The minimum top width of a detention basin berm shall be 5 feet, unless the Borough Engineer determines that a differing width is needed for maintenance and structural purposes.
  5. In order to provide proper drainage, a minimum grade of 1.5 percent, directed toward the outlet structure, shall be maintained across the basic floor. A lesser grade may be permissible provided that a concrete low flow channel is provided.
  6. Slopes of Basin. The maximum inside and outside slope of earth detention basin embankments shall be 3 horizontal to 1 vertical.
  7. Outfall. Where no existing point of concentration exists, the outfall from a detention basin shall not discharge closer than 10 feet from the adjoining property line, unless permission is provided by a written signed notarized statement by said adjacent property owner.
  8. Basins not having direct access to a public street shall have a 15 foot wide, usable access easement to a public street for the purpose of maintenance.
  9. For the purpose of this Section, a retention basin shall be required to meet the same standards as a detention basin.
  10. Landscaped Screening of Detention Basins.
    - a. A detention basin with a basin depth of greater than 30 inches shall be screened from view of existing dwellings, a residential zoning district or a public street, unless the basin would meet all of the following conditions:
      - 1) it would have an average slope of less than 4 to 1 on the inside of the berm of the basin,
      - 2) either: a) both the inside and outside of the basin would be planted in grass and intended to be mowed or planted in other attractive vegetative ground cover or b) would be designed to closely resemble a natural pond, and
      - 3) the basin would not be surrounded by a primarily metal fence.
    - b. The required screening shall primarily include evergreen trees and shrubs of sufficient number to provide an approximately 50 percent year-round visual screen of 5 feet minimum height approximately 4 years after planting. This landscaping shall not be required along an area where natural vegetation will be maintained that will completely fulfill this purpose.

- c. Thorny and prickly shrubs (that are also attractive) are encouraged to be used around detention basins to discourage entry by children.
  - d. Any shade trees used to screen a basin shall comply with Section 1018.A.
11. Areas of stormwater basins that are visible from streets and dwellings shall be attractively maintained.
  12. All outflow structures from storage facilities shall be equipped with a regulatory device that will permit modification to regulate the amount of out-flow.
    - a. Entrances to stormwater pipes, including outflow pipes in detention basins, shall have childproof grates or similar devices.

**1008.F. Stormwater Construction Standards.**

1. Standards. Construction and materials of storm drainage and control facilities (including pipes) and erosion control facilities shall be in accordance with the approved plans and any accompanying specifications. The construction details and standards of the following publications, or their successor publications, in their most recent revision shall be used:
  - a. PennDOT, Form 408, Specifications.
  - b. PennDOT, RC Series, Roadway Construction Standards.
  - c. In cases where the above documents conflict with Borough specifications, the Borough's specifications shall supercede, except in areas of PennDOT jurisdiction.
2. Pipe Materials. All pipe materials shall meet PennDOT standards.

**1008.G. Drainage Pipe, Culvert and Catch Basin Design.**

1. Open pipe ends must be fitted with rip-rap and/or energy dissipators if deemed appropriate by the Borough Engineer.
2. Drainage pipes shall have a minimum slope of 0.5 percent and drainage swales and gutters 2.0 percent. As a minimum, the tops of all pipes should be at the same elevation when changing pipe sizes.
3. Manholes or inlets shall be used at all changes in horizontal alignment, at changes of vertical grade and at all pipe intersections. No run of pipe shall exceed 400 feet in length, without appropriate measures to allow cleanout. Trash racks shall be placed on all stormwater entrance structures.
4. Grating. Appropriate safety grates shall be attached to all catch basins, storm water inlets, pipe openings and other storm water receiving structures, as needed, to ensure that maximum openings do not exceed 25 square inches. Along streets and pedestrian areas, bicycle safe grates shall be used as needed.
5. Storm Sewer Outfall. Storm sewer outfalls shall be designed, with respect to the elevation of the invert or other features, that when the receiving watercourse is within a 25 year storm, the storm sewer will continue to drain the area it is designed to serve.

**1008.H. Storm Water Easements.**

1. Where Required. Where a subdivision or development is traversed by a watercourse, drainageway, channel or stream that the Borough Engineer determines is subject to significant stormwater flows, there shall be provided a drainage easement established along the following:
  - a. the 100-year floodway, where that is defined;
  - b. where a 100-year floodway is not defined, the 100-year floodplain;
  - c. where a 100-year floodplain is not defined, a width shall be used that includes a minimum of 5 feet on each side of the center of the waterway.
2. The drainage easements required by the above subsection are intended to preserve the unimpeded flow of natural drainage and to provide for future possible widening, deepening, relocating, improving or protecting of such drainage facilities.
3. If a major man-made drainage channel would pass within close proximity to homes and possibly threaten the safety of persons, the Borough Council, based upon the advice of the Borough Engineer, may require such certain lengths of such channel to be placed within appropriate underground pipes.
4. Structures that could obstruct stormwater flow shall be prohibited within storm water easements. Also, areas where storm water easements have or will be granted shall not be obstructed during or after construction.
5. Stormwater easements shall grant the Borough the right at its option to enter the easement to accomplish maintenance and channel improvement work, although the Borough assumes no responsibility to accomplish such work.
6. It shall be the responsibility of the applicant to obtain all storm water easements on, over or through other properties that are needed to carry out the proposed storm management plan.
7. See also the easement requirements in Section 1011 of this Ordinance.

**1008.I. Surface Waters.** All natural streams, channels, swales, drainage systems and/or areas of concentration of surface water shall be maintained in their existing condition and alignment, without any blocking, impeding or redirecting of the watercourse, unless such alteration is pre-approved by the Borough Engineer. The applicant shall be responsible to obtain all necessary DER permits (see Chapter 105 of Title 25 of the State regulations).

**1008.J. Ownership and Maintenance of Stormwater Facilities.** A system for the ownership and maintenance responsibilities of all temporary and permanent storm water facilities and erosion and sedimentation control facilities that is satisfactory to the Borough Council shall be established prior to Final Plan approval including:

1. Identification of responsible individual, corporation, association or other entity for ownership and maintenance of both temporary and permanent storm water management and erosion and sedimentation control facilities.
2. Establishment of suitable easements for access to all facilities for maintenance.

3. The Borough may, at the complete discretion of the Borough Council, decide not to accept an offer by the applicant for Borough ownership of storm water facilities.
4. Storm water facilities shall be designed to require minimal maintenance. Low-maintenance vegetation is encouraged.
5. All storm drainage facilities shall be properly maintained by the party designated as responsible on the final subdivision plan, unless the Borough Council agrees to accept a change in the party responsible or the party owning the facility.
6. Should a facility not be maintained in proper working order, the Borough Council, may after due notice to the responsible party, arrange for the needed maintenance to be accomplished with all such expenses charged to the responsible party. These expenses shall be collectible as municipal claims are now collected by law.

1009. **SANITARY SEWAGE DISPOSAL SYSTEMS.**

1009.A. **In General.**

1. All subdivisions and land developments shall be served with an approved and adequate sewage disposal system (either on-lot or public) that will meet State and Borough regulations.
2. **Public Sewage Connections.** Any principal building or use within a subdivision or land development that generates wastewater shall connect to the public sanitary sewage system. The applicant shall be responsible to pay such reasonable capital expenses that are necessary for such connection.

1009.B. The Mercersburg Sewage Authority, or its successor entity, shall have the authority to approve or reject the proposed sewage collection system for just cause. See applicable specifications and regulations of the Mercersburg Sewage Authority.

1010. **WATER SUPPLY SYSTEMS AND FIRE HYDRANTS.**

1010.A. **In General.** All lots and principal uses within a subdivision or land development shall be connected to the public water system, unless the applicant proves to the satisfaction of Borough Council that such connection would not be feasible and that an acceptable alternative method would be provided.

1010.B. **Water Supplier Approval.** Proposed extensions of central water systems shall meet all applicable procedures, reviews and requirements of the Mercersburg Borough Authority, or its successor entity. Such extension shall be approved by such agency prior to Final Plan approval, although specific detailed service agreements are not required to be signed until prior to recording. See the applicable regulations and specifications of the Mercersburg Borough Authority.

1010.C. **Fire Hydrants.** All subdivisions and land developments shall provide fire hydrants as needed with appropriate water pressure so that all dwelling units and principal buildings are within 600 feet of an active fire hydrant.

1011. **WASTE DUMPSTERS, UTILITIES AND UTILITY EASEMENTS.**

1011.A. **Utilities.** All electric power, telephone and natural gas service lines within a new subdivision or land development shall: 1) be placed underground except where the Borough Council determines it is not feasible, and 2) be installed in accordance with the current standards of the utility serving the subdivision or land development. Any cable television lines installed at the time of construction of a subdivision or land development shall be placed underground.

1011.B. **Dumpsters.** All apartment developments shall include conveniently located refuse collection facilities for the residents. All uses within non-residential land developments and subdivisions shall include appropriate refuse collection facilities. Within a subdivision or land development approved under this Ordinance, all bulk refuse collection dumpsters shall be screened on 3 of 4 sides by walls or evergreen landscaping from view of existing dwellings, adjacent undeveloped residentially zoned lots and public streets.

1011.C. **Easements.** Easements shall be provided as follows:

1. Drainage, sanitary sewage and central water easements shall be provided as determined to be needed by the Borough and as indicated on the plans.
2. Locations. Where determined to be necessary and reasonable by the Borough Engineer, all lots shall include a drainage and utility easement around the perimeter of each lot, including adjacent to the street right-of-way. However, such easements shall not be required where buildings (such as townhouses) are to be attached at a lotline.
3. Width. The minimum width of an easement shall be 10 feet, except that the Borough Engineer may require wider easements where necessary, especially where an easement is unlikely to be provided on the abutting side of the abutting lot.
4. See also drainage easement provisions in Section 1008 of this Ordinance.
5. Additional width of easements shall be provided for additional utilities if required by the water or sanitary sewage supplier or the Borough Engineer. The easement widths along side lot lines may be reduced if the Zoning Ordinance allows a principal building setback that is more narrow than the width of the easement that would otherwise be required.
6. Separation. Minimum separation distances between utility lines shall be as required by the applicable utility or as deemed by the Borough Engineer.
7. Pipelines. If any activity is proposed within the right-of-way of an underground fuel or gas pipeline, the applicant shall provide written evidence from the operator of such pipeline that such activity is acceptable under their safety standards and the terms of that right-of-way.
8. Easements shall be placed along lot lines or street rights-of-ways, to the maximum extent possible, as opposed to the center of a lot.

1012. **ACCESS DRIVES AND DRIVEWAYS.**

1012.A. **Construction Standards for Private Streets.** See Section 1004.

- 1012.B. State Roads. A State Highway Occupancy Permit is required for all access onto or work within the right-of-way of a State road.
- 1012.C. Separation Distances. See Article VIII of the Borough Zoning Ordinance.
- 1012.D. Sight Distance. See Section 1004 concerning sight distance at street intersections. Property-owners shall also be responsible to ensure that sufficient safe sight distance is provided at each intersection of a driveway with a street.
- 1012.E. Driveway Slopes. Grades of access drives or driveways shall not exceed 12% for any horizontal distance longer than 25 feet, except a driveway or access drive shall have a maximum slope of 5 percent for the first 20 feet from and within the legal right-of-way of an intersecting street.
- 1012.F. Drainage. The developer shall make adequate provisions to maintain uninterrupted parallel drainage along a street where intersected by an access drive or driveway. Access drives and aisles within parking lots shall be graded and drained to keep the primary travel lane free of stormwater.
- 1012.G. Emergency Access. Driveways shall be designed to be accessible to emergency vehicles. Driveways shall have a 10 feet minimum horizontal clearance, a 12 feet minimum vertical clearance and be designed to support the weight of a loaded fire engine pumper truck.
1013. OFF-STREET PARKING AND LOADING. See Article VI of the Borough Zoning Ordinance.
1014. SIDEWALKS, PATHWAYS AND DRIVEWAY APRONS.
- 1014.A. Sidewalks built to Borough specifications shall be required on each side of each public and each private street within any subdivision or land development approved under this Ordinance.
- 1014.B. Pathway or Bikeway. If deemed necessary for the convenient and safe circulation of bicycles and pedestrians, the Borough Council may require that a major subdivision or land development include the construction of a pathway or bikeway. Such bikeway or pathway shall have a minimum width of 5 feet and shall be paved to Borough standards. It may be required to be placed within a street right-of-way in place of a sidewalk, or may be placed elsewhere on a lot within an easement or other right-of-way.
- 1014.C. Location and Width of Sidewalks.
1. Sidewalks, where required or provided, shall be located within the street right-of-way.
  2. Any required sidewalks shall have a minimum width of: a) 5 feet along arterial streets and b) 4 feet along collector or local streets.
- 1014.D. Construction.
1. Sidewalks at locations other than driveway crossings shall consist of a minimum of 4 inches of portland cement concrete underlain with a minimum of 3 inches of compacted gravel or crushed stone. As an alternative, sidewalks may be constructed of 6 inches of

compacted gravel or crushed stone, 2 inches of screenings and then brick or pavers that clearly have the same appearance as brick.

2. Concrete sidewalks at driveway crossings shall consist of a minimum of 6 inches wire mesh reinforced portland cement concrete underlain with a minimum of 4 inches of compacted gravel or crushed stone.
3. Pathways shall be constructed of one of the following, at a minimum: a) 4 inches of portland cement concrete underlain by 4 inches of compacted gravel or crushed stone or b) 2 and 1/2 inches of bituminous asphalt underlain by 6 inches of compacted gravel or crushed stone.

1014.E. Handicapped Access. All sidewalks and curbs at the intersection of 2 or more public streets shall include a sloped curb cut suitable for use by wheelchairs. See standards of the Americans with Disabilities Act.

1014.F. Maintenance. It shall be the responsibility of adjacent landowners to maintain, plow snow and remove ice off of and repair sidewalks.

#### 1015. STREET LIGHTING.

1015.A. Street lights shall be placed along streets within and abutting a proposed subdivision or land development where the Borough Council deems them necessary to provide safe traffic or pedestrian circulation. If required, street lights should be provided at street intersections, curves in streets and the more isolated areas of a development. Borough Council shall also have the authority to limit the number and intensity of street lights if the illumination costs would be paid for by the Borough.

1015.B. Such lights shall meet lamp and wiring standards established by the applicable electric company. Pole types shall be acceptable to the Borough.

1016. STREET NAMES. Street names are subject to the approval of the Borough Council, and shall continue the name of any street with the same or similar alignment, and not duplicate or be closely similar to the name of another street within the Borough or the same emergency services service area.

1017. REGULATORY SIGNS. The developer shall reimburse the Borough for the costs of supplying and installing needed traffic regulatory signs and street name identification signs on new or extended public streets. The developer shall be responsible to provide and install signs on private streets. All traffic regulatory signs shall meet current standards of PennDOT.

#### 1018. STREET TREES AND BUFFER YARDS.

##### 1018.A. Street Trees.

1. Street trees are required to be planted within all land developments and major subdivisions, except: a) along a single family detached residential lot with a lot area of greater than 2 acres or b) where the Borough Council determines that existing healthy trees proposed to be preserved will serve generally the same function.

- a. The Borough Council may approve other species of trees than those listed below if the applicant proves to the satisfaction of the Borough Council that the trees would be sturdy, attractive and resistant to disease and road salt.
- b. A tree required by this Ordinance shall be of one of the following species. This list shall not regulate types of trees that are not required to be planted by this Ordinance.

Deciduous:

Acer buergerianum - Trident Maple  
 Acer campestre - Hedge Maple  
 Acer ginnala - Amur Maple  
 Acer tartaricum - Tartarian Maple  
 Acer rubrum - American Red Maple  
 Acer saccharum - Sugar Maple  
 Celtis jessonensis - Jesso Hackberry  
 Celtis laevigata - Hackberry  
 Celtis occidentalis - Common Hackberry  
 Fagus sylvatica - European Beech  
 Fraxinus pennsylvanica - Green Ash  
 Fraxinus americana - White Ash  
 Ginkgo biloba fastigiata - Maiden Hair Tree (male only)  
 Gleditsia triacanthos - Thornless Locust  
 Liquidambar styraciflua - Sweet Gum  
 Liriodendron tulipifera - Tulip Poplar  
 Prunus sargentii - Sargent Cherry  
 Pyrus calleryana - Callery Pear selections, including Bradford Pear  
 Quercus - all varieties of Oak  
 Sophora japonica - Chinese Scholar Tree  
 Tilia americana - American Linden  
 Tilia petiolaris or tomentosa - Silver Linden  
 Tilia euchlora - Crimean Linden  
 Tilia cordata - Little Leaf European Linden  
 Ulmus parvifolia - Chinese Lacebark Elm  
 Zelkova serrata - Zelkova

Evergreen:

Ilex opaca - American Holly  
 Picea - all varieties of Spruce  
 Pinus - all varieties of Pine  
 Pseudotsuga taxifolia - Douglas Fir  
 Tsuga - all varieties of Hemlock

2. Quality of Trees.

- a. Trees shall be of **symmetrical growth**, free of insect pests and disease and durable under the maintenance contemplated.
- b. Trees which have died or have become diseased or pest-ridden within 18 months from the time of planting shall be replaced by the developer.



3. **Minimum Size.** The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches.
4. **Planting and Maintenance.**
  - a. Trees shall be planted in conformance with good landscaping practices.
  - b. Trees adjacent to or within parking areas shall be properly protected from damage by vehicles through raised curbs, raised earth, similar devices and/or sufficient setback.
  - c. Required trees shall be properly maintained and shall not be removed by the developer without being replaced by another tree that meets the requirements of this section.
5. **Required Number and Spacing of Street Trees.**
  - a. Within and abutting all land developments and major subdivisions, along any street or any access drive serving more than one commercial, industrial or institutional principal use, an average of 1 street tree shall be required for every 60 feet of distance along the street right-of-way line on each affected side of the street or such access drive.
  - b. **Spacing.** The trees required under this Section shall be spaced throughout the development along the street, but are not required to be planted at exact intervals and may be clustered following an approved plan. Trees shall be located so that they do not restrict sight distance at driveway and street intersections.
6. **Location of Street Trees.** The trunks of required street trees shall be planted within a street right-of-way but at a minimum of: a) 2 feet from any established curb line or b) 5 feet from the cartway if there will be no curbing.
7. **Other Requirements.** The street trees required under this Section shall be in addition to any trees required under other Borough regulations.

1018.B. **Buffer Yards.** See the requirements for buffer yards in Section 803 of the Borough Zoning Ordinance.

1019. **CURBS.**

1019.A. Curbs shall be provided along both sides of all public and private streets.

1019.B. If curbs are not provided under a waiver granted by Borough Council, then appropriate stabilized drainage channels designed to handle a 25 year storm shall be required along all streets, within the street right-of-way, or drainage easements.

1019.C. All required curbs shall meet the following specifications, unless alternate specifications are pre-approved in writing by the Borough Engineer:

1. Straight concrete curbing or concrete rolled curbing shall be used, constructed to standards approved by the Borough Engineer.

2. Straight curbs shall be constructed of portland cement concrete and be 24 inches deep, 6 inches wide at the top, 8 inches wide at the bottom and have an exposed face between approximately 6 and 8 inches. Any rolled curbs shall meet PennDOT specifications or other specifications provided by the Borough Engineer.
3. Expansion joints shall be provided a minimum of every 30 feet. Each expansion joint shall contain 0.5 inch bituminous expansion joint materials. Contraction joints shall be provided a minimum of every 10 feet.
4. Gutter design shall be subject to the approval of the Borough Engineer based upon standard engineering practices.

**1020. EROSION CONTROL AND GRADING.**

1020.A. Ground Cover and Top Soil. After completion of construction or demolition on a lot, all exposed ground surfaces that are not paved and that are not covered by approved gravel areas or decorative stones or similar material shall be covered by a minimum of 4 inches of topsoil and an attractive non-poisonous vegetative ground cover that will prevent soil erosion and the raising of dust.

1020.B. Erosion Control.

1. Any earth disturbance should be controlled by proper measures to prevent soil erosion and sedimentation, following DER regulations and standards of the County Conservation District.
  - a. Compliance with a submitted soil erosion control plan shall be an automatic condition of any approval or permit under this Ordinance.
  - b. Borough permits may be suspended if earth disturbance does not comply with such approved plan.
2. Both the owner of the property at the time of any earth disturbance and the person(s)/company accomplishing the work shall be responsible to ensure that adequate erosion control measures are used.

1021. FLOOD-PRONE AREAS. See Section 515 of the Borough Zoning Ordinance.

**ARTICLE XI  
MOBILE HOME PARK DESIGN  
STANDARDS AND REQUIRED IMPROVEMENTS**

**1101. APPLICABILITY.**

- A. The requirements in this Article shall apply to a Mobile Home Park as defined by the Borough Zoning Ordinance, which primarily involves the lease of individual home sites.
- B. Mobile home parks proposed to be developed for sale of lots shall be designed in accordance with all requirements set forth for single family dwelling residential development.
- C. Every proposed mobile home park shall be submitted, reviewed, approved and recorded as a land development, at a minimum.
- D. Terms. The terms "mobile home" and "manufactured home" shall have the same meaning.

**1102. EXEMPTIONS.** The following shall not be considered to be a mobile/ manufactured home park, but instead shall be ruled by the applicable sections of this Ordinance and the Zoning Ordinance:

- A. Mobile/manufactured home sales as a principal use, other than sales of mobile homes intended to be placed on the same property as the sales;
- B. The storage or garaging of mobile homes not being used for living or sleeping purposes within a building or structure;
- C. A single mobile home used as a residence on a lot with no other dwellings; or
- D. A mobile home that is used only as a field office or work or tool house during a construction project, and not for residential purposes.

**1103. OTHER REQUIREMENTS OF THIS ORDINANCE.** All provisions of this Ordinance shall apply to a mobile/ manufactured home park, except provisions of this Article that specifically differ from or conflict with such provisions. A mobile home park in most cases will be considered a "land development" and be required to submit plans and be approved under the provisions of Articles V and VI.

**1104. GENERAL STANDARDS AND REQUIREMENTS.**

- A. See the Mobile Home Park provisions and the individual mobile home provisions of Section 402 of the Borough Zoning Ordinance.
- B. If the mobile home park has an average density of higher than 1 dwelling unit per acre, all dwelling units shall be served by both central water and central sewer service.
- C. All mobile homes sites within a mobile home park shall be located on land with an average natural slope of less than 15 percent.
- D. The Mobile Home Park shall have paved access to a paved public street.

- E. The mobile home park shall have adequate access by emergency vehicles and shall include fire hydrants and a water tank to provide adequate water pressure.
- F. All mobile home parks of more than 20 dwelling units shall include a responsible resident manager.

1105. **DESIGN STANDARDS.**

A. **Access.**

- 1. Access to individual mobile home spaces shall be from interior parking courts, access drives, or private streets and shall not be from public streets exterior to the development. Streets within the development providing access to 20 or more dwellings shall have a paved cartway width of at least 26 feet, and other streets shall have a paved cartway width of at least 22 feet.
- 2. All streets within the Mobile Home Park shall be private and be maintained as part of the Mobile Home Park. All construction of streets that serve a minimum of 20 dwelling units shall conform to the construction requirements for streets contained in Section 1004. All construction of access drives and driveways shall meet the requirements of Section 1012.

B. **Parking.**

- 1. Every mobile home space shall be provided with a minimum of 2 paved off-street parking spaces. In addition, an average of 0.5 off-street parking spaces per dwelling unit shall be provided in convenient locations for visitor parking. Parking courts are encouraged to be used for off-street parking.
- 2. An appropriate area shall be set aside for the parking of recreational vehicles of residents.

C. **Other Design Standards and Improvements.**

- 1. Every mobile home space shall be graded to provide a level, stable and well-drained stand for the mobile home.
- 2. Every space shall be provided with underground electric, telephone and T.V. Cable (if available) connections.
- 3. All fuel storage and supply systems shall be constructed and maintained in conformity with the regulations of all authorities having jurisdiction, and if above ground shall adequately be screened with landscaping or a screen wall compatible with the home.
- 4. An average of 1 deciduous street tree shall be provided for each 50 feet of frontage along a private street. These trees shall meet the requirements of Article X of this Ordinance.

APPENDIX A  
BOROUGH OF MERCERSBURG  
APPLICATION FORM FOR  
SUBDIVISION OR LAND DEVELOPMENT

FOR OFFICE USE ONLY  
FILE NUMBER  
\_\_\_\_\_

\_\_\_\_\_ New Submission                      \_\_\_\_\_ Resubmission

Date of Application \_\_\_\_\_ (to be filled in by Borough Staff)

Check All of the Following that Apply:

_____ Sketch Plan Review	Name of Development _____
_____ Preliminary Plan	Location _____
_____ Final Plan	_____
_____ Minor Subdivision	_____
_____ Resubdivision	_____
_____ Lot Line Adjustment	_____

Land Owner's Name \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_

Applicant's/Developer's Name \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_

Plan Preparer's Name \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_

Total Acreage \_\_\_\_\_ Number of Lots \_\_\_\_\_

Water Supply: On lot well: \_\_\_\_\_ Public: \_\_\_\_\_ Other: \_\_\_\_\_

Sewage System: Private (on lot): \_\_\_\_\_ Public: \_\_\_\_\_ Other: \_\_\_\_\_

Submit 3 copies of this form to the Borough Staff. A copy will be receipted and returned to you.

Previous Subdivision or Construction on this Tract within the Past 5 Years:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Borough of Mercersburg  
SUBDIVISION/ LAND DEVELOPMENT APPLICATION - Page 2

Any Relevant Zoning Variances/ Special Exception Approvals on this Tract (and dates):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Application Fees Paid: 1. Check to Borough of Mercersburg \_\_\_\_\_  
(Amount)  
2. Any Applicable Fees Paid to the County Planning Commission  
\_\_\_\_\_ (Check Off)

I HEREBY ACKNOWLEDGE AND REQUEST REVIEW OF THIS APPLICATION

Applicant's Signature \_\_\_\_\_

-----  
(Lower Half of Page For Borough Use Only)

Initial Review Received From Borough Engineer: \_\_\_\_\_ (check off)  
Reviewed by Zoning Officer: \_\_\_\_\_ (check off)  
Reviewed by Sewage Authority: \_\_\_\_\_ (check off or "NA")  
Reviewed by Planning Commission: \_\_\_\_\_ (check off)

County Planning Commission Review: Date Sent - \_\_\_\_\_  
Date Review from - \_\_\_\_\_

Final Action by Borough Council: Date: \_\_\_\_\_

Action Taken: \_\_\_\_\_

Date Applicant Notified of Borough Council Final Action: \_\_\_\_\_

Borough Staff Initial Review Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPENDIX B  
PLAN PREPARER'S STATEMENTS; OWNER'S STATEMENT;  
APPROVAL/REVIEW BLOCK FORMS

B.1 PLAN PREPARER'S STATEMENTS. - Model Forms.

I, \_\_\_\_\_, a registered surveyor of the Commonwealth of Pennsylvania, do hereby certify that the Plan, prepared from a field survey on \_\_\_\_\_, 19\_\_ correctly represents the property boundary of the proposed subdivision or land development.

\_\_\_\_\_  
Date Registered Surveyors' Signature

I, \_\_\_\_\_, a registered surveyor, registered landscape architect, licensed professional engineer or registered architect (as applicable) in the Commonwealth of Pennsylvania, do hereby certify that the accompanying application, plans and supporting documentation are true and accurate, to the best of my knowledge.

\_\_\_\_\_  
Date Plan Preparer's Signature

\_\_\_\_\_  
Address Printed Name

B.2 OWNER'S STATEMENT. - Model Form.

We, the owners of the land involving the accompanying plans, being duly sworn according to law, state that we are the majority owners or are the authorized officers of the corporation that are the majority owners of this property in peaceful possession of it, and that there are no suits pending affecting the title of same, and that we acknowledge and endorse the accompanying plans and that we will propose a record plan for recording (as applicable), after receiving all required municipal approvals.

\_\_\_\_\_  
OWNER'S OR AUTHORIZED CORPORATE OFFICER'S SIGNATURES

\_\_\_\_\_  
Printed Name Printed Name

SWORN AND SUBSCRIBED BEFORE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_.

B.3 APPROVAL/REVIEW BLOCK.

REVIEWED BY THE COUNTY PLANNING COMMISSION

\_\_\_\_\_  
County Planning Commission Staff Person Responsible for Review      Date

REVIEWED BY THE BOROUGH PLANNING COMMISSION

\_\_\_\_\_  
Planning Commission Chairperson      Date

REVIEWED BY THE BOROUGH ENGINEER

\_\_\_\_\_  
Borough Engineer      Date

APPROVED BY THE MERCERSBURG BOROUGH COUNCIL AND ACCEPTED FOR RECORDING

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date



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Streets	1004
Water Supply	1010

**MERCERSBURG PLANNING COMMISSION**

113 South Main Street  
Mercersburg PA 17236

Phone: 717-328-3116  
Fax: 717-328-3117

Per the Mercersburg Schedule of Fees, all applicants submitting to the Mercersburg Planning Commission, in addition to the submission fee (see Mercersburg Borough schedule of fees) will be invoiced for all Professional Services (legal and engineering fees) at actual costs.

I/we, \_\_\_\_\_, fully understand that I/we will be invoiced, and are responsible for paying for any and all professional services rendered as may apply to any and all submissions to the Mercersburg Planning Commission.

I/we hereby acknowledge that I/we fully understand and agree to the terms stated above.

\_\_\_\_\_  
Printed Name(s)

\_\_\_\_\_  
Signature(s)

\_\_\_\_\_  
Date

ATTEST: \_\_\_\_\_  
Borough Secretary

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*Office use only*

*Application type:* \_\_\_\_\_

*Application date received* \_\_\_\_\_

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