

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

Lebanon County, Pennsylvania

Ordinance # _____

BOROUGH OF MYERSTOWN
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PART 1 – GENERAL PROVISIONS

Section 101. Title.

This Ordinance shall be known and may be cited as the BOROUGH OF MYERSTOWN SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

Section 102. Enactment.

This Ordinance has been enacted in conformance with the provisions of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968 and the Pennsylvania Stormwater Management Act P.L. 864 (Act 167), as amended.

Section 103. Contents.

This Ordinance contains regulations which include, but are not limited to the following:

- A. Provisions for the filing, processing, review, and approval of all subdivision and land development plans;
- B. Design standards and guidelines for the overall layout, configuration, and placement of lots, roads, open space, parks, public facilities, and other physical improvements on property to promote orderly development compatible with the Borough's comprehensive plan;
- C. Engineering and technical standards, including appropriate financial guarantees, governing the manner by which various improvements including streets, bridges, common facilities, water supply and sewage facilities infrastructure, stormwater management facilities, walkways, lighting, and other improvements are properly constructed.

Section 104. Purposes.

The following are the purposes of this Ordinance:

- A. To ensure the overall health, safety, and general welfare of the residents of the Borough;
- B. To enable the development of the Borough in an orderly, efficient, integrated, and harmonious manner;
- C. To guide the future growth and development of the Borough in conformance to the Borough Comprehensive Plan and to other relevant regulations, maps, studies, and reports adopted in furtherance thereof;
- D. To ensure that streets in and bordering a subdivision or land development shall be coordinated, and be of such design, and in such locations as deemed necessary to accommodate prospective traffic and parking, to achieve safe and convenient vehicular and pedestrian circulation, and to facilitate fire protection and other emergency services;

- E. To require adequate, appropriately located easements or rights-of-way for existing and future utilities and storm drainage facilities;
- F. To ensure that any lands offered for dedication or otherwise reserved for use as public or common grounds shall be of suitable size, configuration, and topographical character for their designated uses;
- G. To ensure conformance of subdivision and land development proposals with the availability of municipal services and public facilities, and the coordination of intermunicipal programs;
- H. To preserve lands subject to inundation or flooding from subdivision or land development which would endanger life or property or further aggravate or increase the existing flooding or inundation conditions;
- I. To encourage and promote flexibility, economy, and ingenuity in the layout and design of subdivisions and land developments, including provisions authorizing the Borough to modify the requirements of this Ordinance in accordance with concepts and practices consistent with the modern and evolving, generally accepted principles of site planning, engineering, and land development;
- J. To provide equitable and expeditious handling of all subdivision and land development proposals by providing uniform procedures and standards;
- K. To encourage subdivision and land development in accordance with principles and practices which conserve energy, both during and after construction, and which encourage the use of alternative energy sources by the layout of the lots and the siting of buildings;
- L. To ensure conformance of subdivision and land development plans with the public improvements of the Borough, and coordination of inter-municipal, county, and Pennsylvania improvement plans and programs;
- M. To provide adequate open space lands and recreation facilities;
- N. To preserve and protect natural resources and to prevent pollution of air and water so as to maintain the quality of life within the Borough and adjacent lands;
- O. To maintain the character and the social and economic stability of the Borough and to encourage the orderly and beneficial development of the community;
- P. To provide for the buffering of certain types of land uses to minimize their impact upon their surroundings.

Section 105. Interpretation.

The provisions of this Ordinance shall be the minimum requirements to meet the above-stated purposes. Where the provisions of this Ordinance impose greater restrictions than those of any other statute, ordinance, or regulations, then the provisions of this Ordinance shall prevail unless specifically preempted by a state or federal statute. Where the provisions of any other statute, ordinance, or regulations impose

greater restrictions than those of this Ordinance, the provisions of such statute, ordinance, or regulations shall take precedence.

This Ordinance shall be used in conjunction with the Borough of Myerstown Zoning Ordinance and Stormwater Management Ordinance.

Section 106. Jurisdiction.

The Borough shall, with the recommendation of the Planning Commission, review, and act upon as appropriate all subdivision and land development plans as defined below and in Section 201 of this ordinance which are located entirely or in part of the Borough.

- A. Subdivision and Land Development. No subdivision or land development of any lot, tract, or parcel of land as defined in Article Two, shall be made, and no street, alley, sanitary sewer, storm drain, water main, gas, oil or electric line, or other improvements in connection therewith, shall be laid out, constructed, or dedicated for public use, or travel, or for the common use of occupants of a building abutting thereon, except in strict accordance with this Ordinance.
- B. Sale of Lots, Issuance of Building Permits, or Erection of Buildings. No lot in a subdivision or land development may be sold or transferred, and no permit to erect, alter, or repair any building upon land in a subdivision or land development will be issued unless and until a subdivision and/or land development plan has been approved, and where required, recorded, and until the required improvements in connection therewith have either been constructed or guaranteed for construction in the form of a bond, escrow, or other means approved by the Borough under the advice of the Borough Engineer and Solicitor, in accordance with the laws of the Commonwealth of Pennsylvania.
- C. Condominiums. No provision of this Ordinance shall be construed to prohibit condominium ownership as permitted by the applicable enabling legislation of the Commonwealth of Pennsylvania.

Section 107. Waiver of Requirements.

The Borough may grant a modification of the requirements of this ordinance, through a waiver, if strict application of these requirements would be unreasonable or cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results, provided that such waiver will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed. All requests for modifications shall be provided in writing and be part of the application for subdivision and/or land development. In the request for a modification, the applicant shall:

- 1) State the grounds and facts of unreasonableness or hardship on which the request is based or demonstrate that an alternative standard can provide equal or better results;
- 2) List the provision(s) of the Ordinance involved;
- 3) State the minimum modification necessary.

PART 2 – DEFINITIONS

Section 201. Language Interpretations.

For purposes of this Ordinance, certain words shall be interpreted as follows:

- A. Words used in the present tense include the future tense.
- B. The singular number includes the plural and the plural includes the singular.
- C. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- D. The word "person" or "subdivider" and "developer" or "owner" include an individual, corporation, partnership, incorporated association, and/or any other similar entity.
- E. The words "include" or "including" shall not limit the term to the specified examples, but are intended to extend the meaning to all other instances of like kind and character.
- F. The words "used or occupied" include the words "intended, designed, maintained, or arranged to be used, occupied or maintained".
- G. The word "building" shall always be construed as if followed by the words "or part thereof."
- H. The word "may" is permissive, and the words "shall" and "will" are always mandatory.
- I. The words: "he" or "she" or "they" are to be used interchangeably with the word person.
- J. The word "street" includes road, highway, avenue, boulevard, or expressway.
- K. The word "stream" includes watercourse, creek, or river, and, where referenced, a seasonal or intermittent stream.
- L. The names of organizations including government agencies shall be construed to include their successors.

Section 202. Definition of Terms.

Words and terms used in this Ordinance shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not a part of this listing, but vital to the interpretation of this Ordinance, shall be construed to have its legal definition, or in absence of a legal definition, its meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

Abandonment. The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Access Drive. A public or private drive, other than a driveway, providing vehicular access to and between parking areas for more than two parking spaces within a land development; or any drive servicing three or more units of occupancy on a single lot.

Access Aisle. The traveled way by which automobiles and other similar motor vehicles enter and depart parking spaces.

Act 247. The Municipalities Planning Code of July 31, 1968, 53 P.S. S10101, et seq., as amended from time to time.

Accelerated Erosion. The removal of the surface of the land through the combination of man's activities and natural processes at a rate greater than would occur from natural processes alone.

Acceleration Lane. The portion of a roadway adjoining the traffic lane constructed for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with traffic.

Accepted Engineering Practice. That which conforms to accepted principles, tests, or standards of nationally recognized technical, scientific, and/or engineering authorities.

Access Drive. A privately owned, constructed, and maintained vehicular access from a public or private right-of-way to off-street parking or loading spaces.

Access Aisle. The traveled way by which automobiles and other similar motor vehicles enter and depart parking spaces.

Access Strip. A piece of land which provides physical access to, and legal road frontage for a lot, but which does not comply with the minimum lot width regulations of this Ordinance. Access strips provide access to "flag," "rear," or "interior" lots.

Accessory Structure or Building. A structure or building detached from a principal building on the same lot and customarily incidental and subordinate to the principal building.

Agricultural Activities. Activities associated with agriculture such as agricultural cultivation, agricultural operation, and animal heavy use areas. This includes the work of producing crops and raising livestock including tillage, plowing, disking, harrowing, pasturing and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

Aisle. The traveled way by which cars enter and depart parking spaces.

Applicant. A landowner or developer, as defined in the Municipalities Planning Code (MPC), who has filed an application for development, including his heirs, successors and assigns.

Application for Subdivision or Land Development. Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plan, or for the approval of development plan.

Application Date. The date of the day when an application for development is filed with the Borough in accordance with submission requirements outlined in Part Three. This date is not necessarily the date when the 90-day plan review period begins.

Area Building. The total of area, in square feet, of all floors, excluding basement, of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps.

Area, Gross. The total lot area, including public right-of-way.

Area, Net. The total lot area, less public right-of-way.

As-Builts. Plans prepared after construction to reflect the accurate size, type and location of all improvements such as streets, stormwater system, sanitary sewer system, water system, landscaping, etc.

Authority. A public organization created pursuant to the Pennsylvania Municipal Authorities Act of 1945 (P.L. 382, No.164).

Base Flood. The flood, also known as the 100-year flood, which has a 1 percent chance of being equaled or exceeded in any given year; the flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared.

Best Management Practices (BMPs). Activities, facilities, measures, planning, or procedures used to manage stormwater impacts from Regulated Activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "non-structural" or "structural". "Non-structural" BMPs are measures referred to as operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas "structural" BMPs are measures that consist of a physical device or practice that is installed to capture and treat stormwater runoff. "Structural" BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale wet ponds and constructed wetlands to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bio-retention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. "Structural" stormwater BMPs are permanent appurtenances to the project site.

Block. Land surrounded on all sides by streets, measured at the right-of-way or other transportation or utility rights-of-way, or by physical barriers (e.g., bodies of water or public open spaces).

Borough of Myerstown Stormwater Ordinance. The Borough of Myerstown ordinance regulating storm water management.

Bond. Any form of surety bond in an amount and form satisfactory to the Borough. All bonds shall be approved by the Borough Council whenever a bond is required by regulations.

Buffer Yard. An open area of land that is located between two uses that is intended to mitigate negative impacts (e.g., visual, noise, airborne, etc.) of the more intense/dense use and/or zoning district on the less intense/dense use and/or zoning district, whose dimensions normally exceed, but may include where specified,

the required building setback or yard requirements, and which is generally planted and may include required screening, and within which no building or structure shall be permitted except those used as part of required screening.

Building (Setback) Line. A line established by municipal zoning codes or the subdivision regulations which defines the required minimum distance between any building and the adjacent public right-of-way or property line.

Caliper, Tree. The diameter of a tree trunk measured at 4 1/2 feet from ground level.

Carbonate Geology. Limestone or dolomite bedrock; also marble (within graphitic felsic gneiss fm).

Cartway. The portion of the street right-of-way, paved or unpaved, intended for vehicular use. The shoulder is not considered part of the cartway.

Channel Erosion. The widening, deepening, and head ward cutting of small channels and waterways, due to erosion caused by moderate to large floods.

Check Dam. An earthen, stone or log structure, used in grass swales to reduce water velocities, promote sediment deposition, and enhance infiltration.

Cistern. An underground reservoir or tank for storing rainwater.

Common Open Space. Equivalent to § 107 of the most recent version of the MPC. (A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.)

Commonwealth. The Commonwealth of Pennsylvania.

Comprehensive Plan. The most recent version of the official public document prepared in accordance with the MPC, consisting of maps, charts and textual material that constitutes decisions about the physical and social development of the Borough, as amended from time to time.

Conservation District. The Lebanon County Conservation District (LCCD). The Lebanon County Conservation District, as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)), has the authority under a delegation agreement executed with the Pennsylvania Department of Environmental Protection to administer and enforce all or a portion of the erosion and sediment control program within the political boundaries of Lebanon County, Pennsylvania.

Construction. The term "construction" shall include the building, reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including manufactured homes, and gas or liquid storage tanks. For flood plain purposes, "new construction" includes structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the municipality.

Council. The governing body of the Borough of Myerstown.

County. Lebanon County, Pennsylvania.

Culvert. A structure with appurtenant works which carries a stream or other surface drainage under or through an embankment or fill.

Curbline. A line formed by the face of the existing curb or in its absence, the outer edge of the shoulder, along which a curb would be otherwise located.

Dam. An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semifluid, or a refuse bank, fill or structure for highway, railroad or other purposes which does or may impound water or another fluid or semifluid.

De Minimis Improvements. Non-residential property improvements which would, by their use, require less than five parking spaces with a maximum footprint of the addition being less than 1,000 square feet of new building.

Dedication. The deliberate appropriation or donation of land or property by its owner for any general or public uses, reserving no other rights. Acceptance of any such dedication is at the discretion of the Borough Council.

Deed. A legal document conveying ownership of real property.

Deed Covenant or Restriction. A restriction on the use of the land set forth in the deed or instrument of conveyance. Such restriction(s) usually runs with the title of the land and is binding upon subsequent owners of the property. The Borough Council is not responsible for enforcing such deed restrictions, unless the restriction(s) resulted from a condition or stipulation of the subdivision or land development approval process.

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

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, filling, grading, paving, excavating, earth disturbance activity, mining, dredging, or drilling operations, the placement of manufactured homes, streets and other paving, utilities, and the subdivision of land.

Disturbed Area. An un-stabilized land area where an earth disturbance activity is occurring or has occurred.

Driveway. A private way providing for vehicular access between a public street and a parking area or garage within a lot or property.

Downslope Property Line. That portion of the property line of the lot, tract, or parcels of land being developed located such that all overland or pipe flow from the site would be directed towards it.

Drainage Conveyance Facility. A Storm Water Management Facility designed to transmit storm water runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

Drainage Easement. A right granted by a landowner to a grantee, allowing the use of private land for storm water management purposes.

Easement. A vested or acquired legal right to use land other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.

Engineer, Borough. A registered engineer designated by the Borough Council to perform duties as required by this Ordinance on behalf of the Borough.

Engineer, Registered. An individual licensed and registered as a professional engineer by the Commonwealth of Pennsylvania.

Erosion. The natural process by which the surface of the land is worn away by water, wind, or chemical action.

Erosion and Sedimentation Pollution Control Plan. A site-specific plan consisting of both drawings and narrative that identifies BMP's that minimize accelerated erosion and sedimentation before, during and after earth disturbance activities.

Equivalent Development Unit. A standardized measurement of the consumption, use, or generation of water equivalent to that of a new single family residential development unit.

Excavation. Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed. It shall include the conditions resulting there from.

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

Flood. A general and temporary inundation of normally dry land areas by water from waterway overflows or the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain. Any land area susceptible to inundation by water from any natural source or delineated by applicable FEMA maps and studies as being a special flood hazard area. Also includes areas that comprise Group 13 Soils, as listed in Appendix A of the Pennsylvania DEP Technical Manual for Sewage Enforcement Officers (as amended or replaced from time to time by DEP).

Floodway. The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodway, it is assumed--absent evidence to the contrary--that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

Footcandle. Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), stated in lumens per square foot and measurable with an illuminance meter, a.k.a., light meter.

Full Cutoff. Attribute of a lighting fixture from which no light is emitted at or above a horizontal plane drawn through the bottom of the fixture and no more than 10 percent of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the fixture.

Fully Shielded. Attribute of a lighting fixture provided with internal and/or external shields and louvers to prevent brightness from lamps, reflectors, refractors and lenses from causing glare at normal viewing angles.

Future Right-of-way.

- A. Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads;
- B. A right-of-way established to provide future access to or through undeveloped land.

Glare. Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

Governing Body. The Council of the Borough of Myerstown.

Grade. A reference plane, usually of a road, channel or natural ground specified in percent and shown on plans as specified herein. (To) Grade - to finish the surface of a roadbed, top of embankment or bottom of excavation.

Grading. The act of moving earth. Changing of the earth surface by excavation or fill.

Groundwater Recharge. Replenishment of existing natural underground water supplies.

Hardship. A condition not caused by the applicant for which he may request a hardship modification.

Hardship Modification. The granting of an exception to these regulations which in the opinion of the Borough will not be detrimental to the general welfare, impair the intent of the regulations or conflict with the comprehensive plan. Such modifications are granted only for reason of undue hardship as determined by the Borough Council.

Impoundment. A body of water (e.g., a pond) confined by a dam, dike, floodgate, or other barrier.

Improved Public Street. Any street for which the Borough or commonwealth has maintenance responsibility, and which is paved with an approved hardtop surface.

Improvements. The physical additions, installations, and changes required to render land suitable for the use proposed, including streets, curbs, sidewalks, utilities, and drainage facilities.

Infiltration Structures. A structure designed to direct runoff into the ground (e.g., french drains, seepage pits, seepage trench, bio-infiltration facilities, etc...).

Karst. A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, steep-sided hills, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone, dolomites, marble and sometimes gypsum.

Land Development. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (ii) a subdivision of land; (iii) development in accordance with Section 503(1.1) of the PA Municipalities Planning Code.

Landowner. Equivalent to § 107 of the most recent version of the MPC (The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land).

Landscape Plan. A component of a development plan, if required, on which is shown proposed landscape species (such as number, spacing, size at time of planting, and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features, grade changes, buffers and screening devices; and any other information that can reasonably be required in order that an informed decision can be made by the governing body.

Licensed Professional. Professional engineers, landscape architects, geologists and land surveyors licensed to practice in the Commonwealth.

Light Trespass. Light emitted by a lighting fixture or installation which is cast beyond the boundaries of the property on which the lighting installation is sited.

Lumen. As used in the context of this chapter, the light-output rating of a lamp (light bulb).

Manufactured Home. Factory-built single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. § 5401) commonly known as "HUD (United States Department of Housing and Urban Development) code."

Manufactured Home Park and/or Subdivision. See "mobile home park," equivalent to § 107 of the most recent version of the MPC. (A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home) except "mobile home" shall be considered "manufactured/mobile home."

Mobile Home. See "manufactured home," equivalent to § 401 of the most recent version of the Pennsylvania UCC. Under § 901(a) of the Act [35 P.S. § 7210.901(a)], housing which bears a label as required by and referenced in the Manufactured Housing Construction and Safety Standards Authorization Act (35 P.S. §§ 1656.1 to 1656.9), certifying that it conforms to federal construction and safety standards adopted under the national Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401 to

5426). See also "mobile home" equivalent to § 107 of the most recent version of the MPC.[16] (A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation) except "mobile home" shall be considered "manufactured/mobile home."

Mobile Home Lot. A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home/Manufactured Home Park. A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile / manufactured home lots for the placement thereon of mobile / manufactured homes.

Monument. A tapered, permanent survey reference point of stone or cement having a round top four inches on each side with a length of 24 inches.

Natural Feature. A component of a landscape existing or maintained as part of the natural environment and having ecological value in contributing beneficially to, among other things, air and water quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress and energy costs.

Nonpoint Source Pollution. Pollution that enters a water body from diffuse origins in the watershed and does not result from discernible, confined, or discrete conveyances.

National Pollutant Discharge Elimination System (NPDES). The national system for the issuance of permits under section 402 of the Federal Clean Water Act (33 u.s.c.a. 1342) including a state or interstate program which has been approved in whole or in part by the Environmental Protection Agency, including the regulations codified in chapter 92 (relating to NPDES permitting, monitoring and compliance), and as specified in title 25, chapter 102.

NRCS. Natural Resources Conservation Service (previously (SCS).

Off-street Parking. A temporary storage (surface or structure) for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated right-of-way and is located upon the same lot as a principal use or, in the case of joint parking, within close proximity.

Open Channel. A drainage element in which storm water flows with an open surface. Open channels include, but shall not be limited to, natural and man-made drainage ways, swales, streams, ditches, canals, and pipes flowing partly full.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed, or reserved for public use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

Outdoor Lighting. An illumination source outside any building or structure, including, but not limited to, an incandescent bulb, LED, mercury, sodium, or neon filled bulb, and the hardware containing the illumination

source and supporting it. Lighting fixtures underneath a roof of an open-sided building, including, but not limited to storage sheds, canopies, and gas/fuel pump marquees, are deemed to be "outdoor lighting."

Outfall. Point where water flows from a conduit, stream, or drain: "Point Source" as described in 40 CFR § 122.2 at the point where the municipality's sewer system discharges to surface Waters of the Commonwealth.

Outlet. Points of water disposal from a stormwater conveyance system, stream, river, lake, tidewater, or artificial drain.

PA DEP. The Pennsylvania Department of Environmental Protection.

Parking Space. Except as otherwise permitted in this chapter, either a covered garage space or uncovered, improved and stabilized space located outside of the public street right-of-way for the transient storage of automobiles, and other similar motor vehicles.

Park, Playground, and Other Non-commercial Recreation Use. A use of land, which may include accessory buildings and structures, for active and/or passive outdoor recreation for the purpose of pleasure, leisure, fellowship, or exercise, commonly involving a sporting activity, camping, hiking, jogging, bicycling, swimming, picnicking, and other related activities which is open to the public. A park may include amenities such as ball fields, tennis courts, trails, playground equipment, rest rooms, picnic tables, cooking grills, and similar facilities. For purposes of this chapter, parks shall not include improvements for, or permit uses that are commercial recreational uses.

Parent Tract. All contiguous land held in single and separate ownership, regardless of whether (i) such land is divided into one or more lots, parcels, purports or tracts; (ii) such land was acquired by the landowner at different times or by different deeds, devise, partition or otherwise; or (iii) such land is bisected by public or private streets or right-of-way, which was held by the landowner or his predecessor in title on the effective date of this Ordinance.

Parking Lot Storage. Involves the use of impervious or semi-impervious parking areas as temporary impoundments with controlled release rates during rainstorms.

Peak Discharge. The maximum rate of storm water runoff from a specific storm event.

Pennsylvania Municipalities Planning Code. Adopted as Act 247 of 1968, this act enables municipalities to plan for, and regulate, community development with subdivision and land development ordinances. The code also contains guidelines for subdivision and land development ordinance content. For the purpose of this Ordinance, the Code is referred to as "Act 247" and is intended to include the current code and any further amendments thereto.

Person. An individual, partnership, public or private association or corporation, or a governmental unit, public utility, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Pervious Area. Any area not defined as impervious.

Pipe. A culvert, closed conduit, or similar structure (including appurtenances) that conveys storm water.

Plan, Final. A complete and exact subdivision or land development plan prepared for recording as required by statute, to define property rights, proposed streets, and other improvements; a final plat.

Plan, Preliminary. A tentative subdivision or land development plan showing proposed street and lot layout as a basis for consideration prior to preparation of a final plat. A preliminary plan shall include engineering design for all required site improvements.

Plan, Sketch. An informal plan, indicating existing features of a tract and the surrounding area and outlining the general layout of a proposed subdivision or land development.

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

Planning Commission. The Borough of Myerstown Planning Commission.

Planting Unit. A unit of measure used to determine the quantity of plantings required in a residential, commercial, industrial or other development project. For the purpose of this chapter, one planting unit (PU) equals one of the following:

- A. One major deciduous tree;
- B. Two minor deciduous trees;
- C. Five shrubs;
- D. Five hundred square feet of groundcover, exclusive of residential yard area.

Plat. The map or plan of a subdivision or land development, whether preliminary or final.

Pre-application Conference. An initial meeting between developers and the Zoning Officer and/or codes enforcement officer and/or municipal Engineer which affords applicants and/or developers the opportunity to present their proposals informally.

Private. Not publicly owned, operated, or controlled.

Private Street/Road. A nonpublic right-of-way which provides vehicular access to two or more lots.

Profile Line. Means the profile of the center line of the finished surface of the street, which shall be midway between the sidelines of the street.

Public Improvements. Equivalent to § 509 of the most recent version of the MPC (improvements required by the subdivision and land development ordinance).

Public Parks and Recreation Areas. Locations for leisure-time activities, including, but not limited to, sports and entertainment that are open to anyone without restriction, except for the rules and standards of conduct and use.

Public Street/Road. A street ordained or maintained or dedicated and accepted by a Borough, city, township, county, state, or federal governments and open to public use.

Recreation. Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including, but not limited to:

- A. Sports (e.g., individual, dual, team, coed recreational, and combative), athletics; both land- and water-based.
- B. Arts and crafts, spectating, picnicking, nature study, and board games.
- C. Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities, and cultural activities.

Riparian Buffer. A permanent area of trees and shrubs located adjacent to streams, lakes, ponds and wetlands.

Runoff. Any part of precipitation that flows over the land.

Sediment. Soils or other erodible materials transported by surface water as a product of erosion.

Sediment Basin. An impoundment being used to remove sediment from runoff.

Sediment Pollution. The placement, discharge, or any other introduction of sediment into the waters of the Commonwealth.

Sedimentation. The process by which mineral or organic matter is accumulated or deposited by the movement of air or water.

Sheet Flow. Runoff that flows over the ground surface as a thin, even layer, not concentrated in a channel, and limited to a maximum of one hundred (100) feet for analysis purposes for post development calculations.

Sidewalk. A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sight Distance. The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

Sight Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Site Improvements. Physical additions or changes to the land that may be necessary to provide usable and desirable lots, including but not limited to, utilities, streets, curbing, sidewalks, street lights and storm water facilities.

Soil Group, Hydrologic. A classification of soils by the Natural Resources Conservation Service, formerly the Soil Conservation Service, into four runoff potential groups. The groups range from A soils, which are very permeable and produce little runoff, to D soils, which are not very permeable and produce much more runoff.

Stabilization. The proper placing, grading, constructing, reinforcing, lining, and covering of soil, rock, or earth to ensure its resistance to erosion, sliding or other movement.

Storage Structure. A retention or detention structure.

Storm Frequency. The number of times that a given storm "event" occurs or is exceeded on the average in a stated period of years. See "Return Period".

Storm Sewer. A system of pipes, and/or open channels that convey intercepted runoff and storm water from other sources but excludes domestic sewage and industrial wastes.

Storm Water. Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

Stormwater Management Facilities (SWM BMPs). Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include but are not limited to: detention and retention basins; open channels; storm sewers; pipes; and infiltration facilities.

Storm Water Management Plan. A plan for managing storm water runoff on a watershed-wide basis, in accordance with the guidelines of Act 167 of 1978, the Pennsylvania Storm Water Management Act.

Stream. A watercourse. A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Stream Bank Stabilization. A collection of vegetative and/or mechanical means for stabilizing stream banks to minimize, prevent or abate degradation.

Stream Enclosure. A bridge, culvert, or other structure in excess of 100 feet in length upstream to downstream which encloses a regulated water of this Commonwealth.

Street. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, viaduct and any other ways used or intended to be used by vehicular traffic and pedestrians, whether public or private. The term street does not include an alley or a driveway. The terms "street" and "road" have the same meaning.

Street Grade. The officially established grade of the street upon which a lot fronts or in its absence the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

Street, Private. A strip of private land providing access to abutting properties and not offered for dedication or accepted for municipal ownership and maintenance.

Street, Shoulders. The portion of the street, contiguous to the cartway, for the accommodation of stopped vehicles, for emergency parking, and for lateral support of base and surface courses of the pavement.

Street, Width. The distance between street lines measured at right angles to the center line of the street.

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

Subdivision. Equivalent to § 107 of the most recent version of the MPC.[29] (The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, That the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.)

Surveyor, Registered. An individual licensed and registered as a Professional Land Surveyor by the Commonwealth of Pennsylvania.

Swale. A low-lying stretch of land which gathers or carries surface water runoff. A watercourse without defined bed and banks.

Timber Operations/Forest Management. Planning and activities necessary for the management of forestland. These include conducting a timber inventory, preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.

Topography. A general term that includes the characteristics of the ground surface such as hills, plains, mountains, degree of relief, steepness of slope and physiographic features. The configuration of a surface area showing relative elevations.

Topsoil. Acceptable friable loam that is free of subsoil, clay lumps, brush, roots, weeds, other objectionable vegetation, stones, other foreign material larger than 2" in any dimension, litter, and/or other material unsuitable or harmful to plant growth.

Utility Line. A line built and maintained to transport materials, utilities or services by underground or above ground means, including gas, electric, oil, cable, water, sewage, telephone, fiber optic cables, stormwater, computer lines, and other lines.

Utility, Public or Private. (1) Any agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

Vegetated Cover. An area covered with a vegetative material, including: grass, shrubs, vines, trees, and other landscaping.

Water System. A water facility providing potable water to individual lots or to the public for human consumption.

Water Quality Volume. The total volume of water runoff that is required to be collected and treated for water quality control by direction to BMP facilities.

PART 3 – SUBMISSION AND REVIEW PROCEDURES

Section 301. Applicability.

The standards, requirements, and procedures contained in this Article shall govern the filing and processing of all applications for subdivision and/or land developments in the Borough.

Section 302. Types of Plans.

All applications for subdivision and/or land development shall be classified as Sketch Plans, Preliminary Plans, Final Plans, or Minor Plans, as further regulated herein.

- A. Sketch Plans. The Borough strongly recommends that applicants submit a pre-application Sketch Plan in accordance with the requirements of Section 303, Sketch Plan Requirements and Section 304, Sketch Plan Review Procedure.
- B. Preliminary Plans. A Preliminary Plan is required to be filed for all proposals for subdivision and/or land development in accordance with the requirements of Section 305, Preliminary Plan Requirements and Section 306, Preliminary Plan Review Procedure.
- C. Final Plans. A Final Plan is required to be filed for all proposals for subdivision and/or land development in accordance with the requirements of Section 307, Final Plan Requirements, and Section 308, Final Plan Review Procedure.
- D. Minor Plans. Applications which qualify as Minor Plans may be submitted for concurrent Preliminary and Final Plan processing and approval, in accordance with the standards and requirements of Section 310, Minor Plan Submission Requirements and Review Procedure.

Section 303. Sketch Plan Requirements.

- A. Purposes. The purposes served by a Sketch Plan are as follows:
 - 1. To inform the Borough of an applicant's intent to subdivide and/or develop a property, and graphically show the concepts and extent of the proposal.
 - 2. To allow the Borough to provide advice and guidance to an applicant so that:
 - a) Overall layout and circulation issues can be resolved prior to preparation of Preliminary Plans.
 - b) The Preliminary Plan approval process may then be able to proceed more efficiently.
 - 3. To show how a tract of land may be further subdivided or developed in cases where only a portion of a property is currently under an active proposal.
 - a) This plan shall show a logical and efficient pattern of roads, lots, and/or buildings, as appropriate for the type of plan proposed, and shall not be acceptable if it proposes

lotting or development that would adversely impact floodplain, steep slopes, or other important site features.

4. Sketch plans shall have no legal standing with regard to the formal plan approval process mandated by the Pennsylvania Municipalities Planning Code, but are recommended and will be considered as a tool for discussion and guidance regarding future development issues.
- B. Sketch Plan Information. A Sketch Plan should be drawn legibly and to scale of not greater than 1:200, but it need not be a precisely surveyed or engineered plan, and it should show the following information:
1. The entire tract boundary, total acreage, and acreage of each lot.
 2. Existing and proposed streets, lots, buildings, approximate building envelopes and other improvements.
 3. Significant physical features such as floodplain, steep slopes, woodlands, and existing structures.
 4. Contour lines at five-to-ten-foot intervals, based on U.S.G.S. datum.
 5. Approximate locations for stormwater control facilities, if necessary.
 6. Location plan showing the relationship of the subject tract to the surrounding road network and major physical features.
 7. North point and scale.
 8. Name and address of the owner.
 9. Zoning district information.
 10. Name and address of the engineer, surveyor, or architect, if applicable.
 11. Any additional information which the applicant believes will help explain the proposal.
- C. The applicant shall make a request to the Borough Manager/Secretary to be scheduled on the meeting agenda of the Borough Planning Commission for presentation and discussion of the Sketch Plan, provided the plan is received seven (7) days prior to the next Borough Planning Commission meeting.

Section 304. Sketch Plan Review Procedure.

The Planning Commission shall review sketch plans in accordance with the criteria contained in this ordinance and with other applicable ordinances. The commission members shall discuss the plan with the applicant and advise them as promptly as possible of the extent to which the proposed subdivision or land development conforms to the Borough Comprehensive Plan and relevant standards of this ordinance, and will discuss possible plan modifications that would increase its degree of conformity. The applicant may also choose to submit alternative sketch plans. Aspects of the sketch plan that shall be specifically evaluated include but are not limited to:

- A. The location of all areas proposed for disturbance (streets, foundations, yards, septic disposal systems, stormwater management areas etc.) with respect to notable features of natural or cultural significance as identified on the applicant's plan.
- B. The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels.
- C. The location of proposed access points along the existing road network.
- D. The location and extent of open space, preserved land, and trail system.
- E. The location and extent and configuration of buildings, parking lots, and common areas in multifamily and commercial developments.
- F. The proposed building density and impervious coverage.
- G. The compatibility of the proposal with respect to the objectives and policy recommendations of the Comprehensive Plan and other pertinent Borough plans and studies.
- H. Consistency with the Zoning Ordinance

Section 305. Preliminary Plan Requirements.

This Section contains the requirements for Preliminary Plans for subdivisions and/or land developments in terms of Drafting Standards, Basic Information, Existing Features, and Proposed Features.

- A. A minimum of seven full-sized 22 inches by 34 inches copies of the preliminary plan, seven half size 11 inches by 17 inches copies of the preliminary plan. Additional copies of the preliminary plan and reports may be required by the Borough.
- B. Plans must be accompanied by:
 1. The Borough's filing fee.
 2. One copy of the properly completed subdivision or land development plan application form.
 3. Two copies of the properly completed modification request form(s) if modifications or waivers are requested. Separate modification request forms must be submitted for each section of the chapter of which a waiver or modification is requested.
 4. Two copies of the reports identified in § 305.F.5.
 5. The plans shall also be submitted electronically in a form specified by the Borough (PowerPoint, CAD, GIS, etc.).
 6. The applicant is responsible for providing the Borough Engineer, by the first business day of the month in which the plan will be reviewed by the Borough Planning Commission, with one paper copy of the plan and all required supporting data and an electronic copy of the submission. Documentation shall be provided to the Borough which proves that the Engineer has received the plans.

7. The applicant is responsible for submission to the Lebanon County Planning Commission (LCPC) with one paper copy of the plan, one copy of the traffic impact study and all required supporting data. All fees required by LCPC shall be paid for at this time. Documentation shall be provided to the Borough which proves that the LCPC has received the plans.

C. Drafting Standards. Plans shall be professionally prepared in compliance with the following:

1. The plan shall be drawn to a standard engineering scale not exceeding 100' feet to the inch.
2. Sheet size shall be a minimum of 22" x 34" appropriately related to the scale of the drawing.
3. All sheets shall be the same size and be numbered relative to the total number of sheets (i.e., 1 of 5, etc.)
4. Where two or more sheets are needed to show the entire tract, a reduced scale key plan shall be provided to show how the sheets fit together. Match lines shall be shown.
5. A reduced scale plan of the entire site at a scale greater than 100' feet to one (1) inch may be required in cases where it would facilitate the review and approval process. Applicants are encouraged to submit such plans in cases where they are not required.
6. Property lines shall be drawn and labeled in conformance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Surveyor, and Geologists Registration Act," and accepted surveying and civil engineering practices, including dimensions shown in feet and decimal fractions thereof, and bearings shown in degrees, minutes, and seconds.
 - a) Tract boundary lines shall be the heaviest property lines.
 - b) Proposed lot lines shall be the next heaviest.
 - c) Possible future lots, if shown, shall be the lightest line weight, and may be shown as dashed lines.
 - d) Property lines to be eliminated where 2 or more lots are proposed to be joined in common deed should be properly noted and depicted on the boundary to be removed.

D. Basic Information. All Preliminary Plans shall show the following basic information:

1. Name of the subdivision or land development.
2. Name, address, email, and phone number of applicant.
3. Name, address, email, and phone number of the firm which prepared the plan and professional seal of the individual certifying its accuracy and compliance with applicable standards.
4. Date of preparation of the plan and a descriptive list of revisions to the plan, and the revision dates.
5. North point and scale displayed in graphic and written form.

6. Location plan showing the relationship of the subject tract to the surrounding road network, adjacent properties, and major physical features. The scale of the Location Map shall not be larger than 1 inch = 1,000 feet.
7. The entire tract boundary with bearings and distances and total tract acreage.
8. A list of the basic dimensional and density requirements of the applicable zoning district, compared to the applicant's proposal.
9. Zoning classification(s) of all lands abutting the proposal.
10. Names of all current owners of immediately adjacent lands.
11. A statement showing:
 - a) Number of acres under proposal (net and gross acreage should be indicated in accordance with the zoning ordinance).
 - b) Number of lots and/or dwelling units and total building area. If existing buildings are to be reused, the building area should be expressed as existing building area and additional building area.
12. Description of variances or special exceptions, conditions of their approval, and the dates they were granted, if any.
13. Description of any deed restrictions, including conservation and environmental, or other covenants affecting development of the tract. This information should contain the name of the easement holder or parties in the covenant agreement and a reference to their deed and page book recording location.
14. The requirements of any other local ordinance which may affect the proposal.
15. Legend shall be sufficient to indicate clearly between existing and proposed conditions.
16. Name and address of the owner of record if different from the applicant.
17. Tax parcel number(s) of all parcels being subdivided or developed.
18. Deed book and page numbers for all parcels being subdivided or developed.
19. A note shall be shown on the plan which states "Preliminary Plan - Not to be Recorded."
20. Dimensions shall be displayed in feet and decimal parts thereof, and bearings in degrees, minutes, and seconds.
21. The plan shall bear an adequate legend to indicate clearly which features are existing and which are proposed and include a description of all symbols used.
22. Signature blocks for approval by the Borough Council.
23. Signature blocks for review by the Planning Commission, Borough Engineer, and director of the Lebanon County Planning Department.

24. Type and locations of water supply and sewage disposal facilities proposed (i.e., on-lot or public). For on-lot systems, the location of percolation tests and secondary replacement area must be shown.

25. A notarized statement to the effect that the applicant is the owner of the land proposed to be developed and that the land development shown on the preliminary plan is made with the applicant's free consent.

E. Existing Conditions.

1. Existing contours shall be shown at a two-foot interval across the subject property and 50 feet beyond the subject property. Contours shall be accompanied by the location of the bench mark within or immediately adjacent to the subject tract and a notation indicating the datum used. Contours plotted from the United States Geodetic Survey may only be used for subdivision plans which require no new streets or other public improvement. All survey plan data shall be referenced to the North American Datum of 1983 (NAD 83), Pennsylvania South Zone Coordinate System. All vertical data shown on the plan shall be referenced to the North American Vertical Datum of 1988 (NAVD 88).
2. The names of all immediately adjacent landowners, and the names and current deed references of the most recent version of previously recorded plans for all adjacent projects.
3. The location and description of existing lot line markers and monuments along the perimeter of the entire existing tract.
4. The following items, when located on the subject tract, within 50 feet of the subject tract, or beyond 50 feet of the subject tract when the item affects the tract:
 - a. The location, size, and name of existing rights-of-way and cartways for streets, access drives, driveways, and service streets.
 - b. The location and size of the following existing features (e.g., public sanitary sewer facilities, public water supply facilities, fire hydrants, buildings, swales, watercourses, bodies of water, wetland, rock outcroppings, sinkholes, and stormwater management facilities which affect stormwater runoff on the subject tract) and any related rights-of-way.
 - c. The location and size of existing rights-of-way and easements.
5. The location and size of the existing individual on-lot sanitary sewer disposal facility and water supply facility when located on the subject tract or within 50 feet of the subject tract.
6. The location and identification by species of existing healthy trees with a caliper of six inches or more as measured at a height of 4 1/2 feet above existing grade, when standing alone or in small groups.
7. The location of other existing, established landscape materials.
8. Important historic features. The location and identification of important historic sites (structures and land).

9. Important natural features. The location and identification of important natural features shall include but not be limited to the following:
 - a. Wetlands. Including but not limited to wetlands delineated using the United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual.
 - b. Geologic features. Including but not limited to any of the following using professionally accepted standards:
 - i. Karst geologic features:
 1. Sinkholes;
 2. Closed depressions;
 3. Lineaments;
 4. Faults; and
 5. Outcrops of bedrock.
 - c. Natural watercourses. Including but not limited to any of the following natural water features:
 1. Waters of the commonwealth; and
 2. Natural perennial watercourses.
- F. Proposed features.
1. Complete description of the center line for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord. The description shall not have an error of closure greater than one foot in 10,000 feet.
 2. Approximate lot line dimensions and lot areas for all proposed parcels. Along existing street rights-of-way, the description shall utilize the existing deed lines.
 3. Lot numbers in consecutive order.
 4. In the case of land development plans, the location and configuration of proposed buildings, parking compounds, streets, access drives, driveways, and all other significant facilities.
 5. A statement on the plan indicating the proposed total number of lots, units of occupancy, density, minimum lot size, lot coverage, building coverage, types of sanitary sewage disposal, type of water supply, name of authority providing sanitary sewage disposal and water supply (if applicable), and proposed land use. The location of each land use if several types of uses are proposed. This statement shall also include the criteria needed to calculate off-street parking, lot coverage and other requirements of the prevailing Zoning Ordinance.
 6. Easements for utilities, access, stormwater facilities, etc.
 7. Building setback lines, with distances from the property and street right-of-way.
 8. Identification of buildings and other structures proposed for demolition.
 9. Typical street cross section for each proposed street and typical cross section for any existing street which will be improved as part of the application. Each cross section shall include the

entire right-of-way width. Cross-sections for improvements to existing streets shall be provided for each fifty-foot station location.

10. Vertical and horizontal alignment on the same sheet for each proposed street, stormwater management facility, sanitary sewer (including manhole numbers), and water distribution system. All street profiles shall show at least the existing (natural) profile along the center line, proposed grade at the center line, and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations, size and type of material.
11. Proposed names for new streets, pavement markings and traffic control devices.
12. Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set or indicating when they will be set.
13. In the case of land development plans, a grading plan. The grading plan shall include finished grades and ground floor elevations. This information may be provided on separate sheets and is not subject to recording in the office of the Lebanon County Recorder of Deeds.
14. A statement on the plan indicating any proposed waivers, special exceptions, conditional uses or variances. This statement must be revised, upon action on the request to acknowledge the outcome of the requested waiver or variance prior to recordation of the plan.
15. Identification of any lands to be dedicated or reserved for public, semipublic, or community use.

G. Supporting Information.

1. Sanitary sewer. A sewer facilities plan revision (plan revision module for land development), or supplement when required by the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended.
2. Stormwater. A stormwater management plan in accordance with the Stormwater Management Ordinance, as amended.
3. Traffic impact study.
 - a. Study required.
 1. Abbreviated traffic impact study. Whenever a proposed project will generate 25 to 99 new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant shall perform an abbreviated traffic impact study. Based on this study, certain improvements may be identified as necessary to provide safe and efficient access to the development. The abbreviated traffic impact study shall include:
 - a. A capacity analysis report prepared under the supervision of a qualified and experienced transportation engineer.
 - b. The study area for the capacity analysis report shall only include all proposed intersections.

2. Comprehensive traffic impact study.
 - a. Whenever a proposed project will generate 100 or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant shall perform a comprehensive traffic impact study. Based on this study, certain improvements may be identified as necessary to provide safe and efficient access to the development.
 - b. Transportation demand management measures such as staggered start and end work times, telecommuting, utilization of transit, greenway or trail linkages, park-and-ride lots, etc., may be used to reduce trip generation for the proposed development. If such measures will reduce the new vehicle trips in the peak direction during the peak traffic hour to less than 100, than an abbreviated traffic impact study may be performed in lieu of a comprehensive study. When such trip reduction measures are used to justify performance of an abbreviated study as permitted by this section, a developer and successors shall be bound by a recorded agreement to implement such measures. The terms and form of agreement shall be as mutually agreed upon by the Borough and the developers.
3. In addition, a comprehensive traffic impact study shall be prepared at the discretion of the Borough whenever any of the following conditions exist within the impact study area:
 1. Current traffic problems exist in the local area or neighborhood, including but not limited to a high crash location, confusing intersection, or a congested intersection that directly affects access to the development.
 2. The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.
 3. If access is proposed to a state highway, the traffic impact study shall be prepared in accordance with PennDOT Publications and Procedures for Transportation Impact Studies, Publication 46 Traffic Engineering Manual.
- b. Traffic impact study requirements:
 1. Area of traffic scope study. The traffic scope study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the site or have direct impact upon the access to the site. The intersections shall be mutually agreed upon by the Borough and the transportation engineer preparing the study.
 2. Preparation by transportation engineer required. Traffic impact studies shall be prepared under the supervision of a qualified and experienced transportation engineer with specific training in traffic and transportation engineering and at least two years of

experience related to preparing traffic engineering studies for existing or proposed developments. Traffic impact study reports shall be signed and sealed by a professional engineer.

3. Horizon year. The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build out and occupancy. This year shall be referred to as the "horizon year." The design year analysis should also be included in the forecast, which is the horizon year plus five years.
4. Non-site traffic estimates. Estimates of non-site traffic shall be made and will consist of through motorized and nonmotorized traffic and motorized and nonmotorized traffic generated by all other developments within the study area for which preliminary or final plans have been approved. Non-site traffic may be estimated using any one of the following three methods: "build-up" technique, area transportation plan data or modeled volumes, and trends or growth rates.
5. Trip generation rates required. The traffic impact study shall include a table showing the land use categories and quantities, with the corresponding trip generation rates or equations (with justification for selection of one or the other) and resulting number of trips. The trip generation rates used must be either from the latest edition of Trip Generation by ITE or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.
6. Consideration of pass-by trips. If pass-by trips or shared trips are a major consideration for the land use in question, studies should be referenced, and interviews should be conducted and documented at similar land uses.
7. Rate sums. Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified and explained in the study.
8. Explanations required. The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the study.
9. Definition of influence area.
 - a. Prior to trip distribution of site-generated trips, an influence area must be defined which contains 80 percent or more of the trip ends that will be attracted to the development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area should be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments.
 - b. Other methods, such as using trip data from an existing development with similar characteristics or using an existing origin-destination survey of trips within the area can be used in place of the influence area to delineate the boundaries of the impact.

10. Estimates of trip distribution required.
 - a. Trip distribution can be estimated using any one of the following three methods:
 1. Analogy.
 2. Trip distribution model.
 3. Surrogate data.
 - b. Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multiuse development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions.
11. Trip assignments.
 - a. Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates, rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those producing 500 or more additional peak direction trips to or from the site during the development's peak hour) through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.
 - b. If a thorough analysis is required to account for pass-by trips, the following procedures should be used:
 1. Determine the percentage of pass-by trips in the total trips generated.
 2. Estimate a trip distribution for the pass-by trips.
 3. Perform two separate trip assignments, based on the new and pass-by trip distributions.
 4. Combine the pass-by and new trip assignment.
 - c. Upon completion of the initial site traffic assignment, the results should be reviewed to see if the volumes appear logical given characteristics of the road system and trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.
12. Total traffic impacts. Motorized and nonmotorized traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because of the

removal of a land use. The traffic impact study report should clearly depict the total traffic estimate and its components.

13. Capacity analysis.
 - a. Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the study area.
 - b. In addition, analyses must be completed for roadway segments, deemed sensitive to site traffic within the study area. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off site and on site. Other locations may be deemed appropriate depending on the situation.
 - c. The recommended level-of-service analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed.
 - d. The operational analyses in the Highway Capacity Manual, HCM or SYNCHRO software should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.
14. Perform an auxiliary lane analysis at any proposed intersection.
15. Perform a crash analysis at all studied intersections for a five-year period.
16. Perform a sight distance analysis at any proposed intersection.
17. Perform a queue analysis at a signalized intersection studied. PennDOT Publication 46 methodology shall be used.
18. Required levels of service. The recommendations of the traffic impact study shall provide safe and efficient movement of traffic to and from and within and past the proposed development, while minimizing the impact to non-site trips. The current levels of service must be maintained if they are level "C" or "D," not allowed to deteriorate to worse than level "C" if they are currently level "A" or "B," and improved to level "D" if they are level "E" or "F."
19. Documentation required. A traffic impact study report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.
 - a. The documentation for a traffic impact study shall include, at a minimum:
 1. Study purpose and objectives.
 - a. Description of the site and study area.
 - b. Existing roadway conditions in the area of the development.
 - c. Recorded or approved nearby development(s) within the traffic impact study area.
 - d. Trip generation, trip distribution and modal split.

- e. Projected future motorized and nonmotorized traffic volumes.
 - f. An assessment of the change in roadway operating conditions resulting from the development traffic.
 - g. Recommendations for site access and transportation improvements needed to maintain and/or improve motorized and nonmotorized traffic flow to, from, within, and past the site at an acceptable and safe level of service.
 - h. Transit location, availability of bike routes, connection to a park and/or trail system.
2. The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
 3. The recommendations shall specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required. The recommendations shall also identify who will be responsible for making the improvements.
 4. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
 5. To facilitate examination by the Borough Planning Commission and Council, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.
 6. The study documentation outlined above provides a framework for site traffic access/impact study reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections.

20. Improvements.

- a. Responsibility for improvements. The applicant shall be responsible for the improvements required to provide safe and convenient ingress and egress to the development site.
- b. Coordination with Borough requirements. The applicant shall be responsible for other improvements related to the results of the traffic impact study as may be agreed to with the Borough or which are required by the Borough to be installed or paid for by the applicant consistent with provisions of Article V of the most recent version of the MPC.

4. Park and recreation. A park and recreation report shall be required for residential developments of 25 or more residential lots or dwelling units. Said report shall be prepared by a registered landscape architect (RLA) or a certified planner with experience in park and recreation design with the following minimum considerations:
 - a. A description of the total projected number of residents in their respective age groups.
 - b. A description of those existing public recreation facilities located within a one-half-mile radius of the site.
 - c. A description of the adequacy of existing recreation facilities to serve the proposed residents, taking into consideration current usage.
 - d. A discussion of potential for any recreation facilities to be provided by the developer to accommodate new residents and/or compensate for any anticipated deficiencies of the Borough's recreational facilities.
 - e. A description of any recreation facilities to be provided by the developer.
 - f. A discussion on the relationship of the proposal to the prevailing Myerstown Borough Comprehensive Plan, and the Lebanon County Recreation and Open Space Plan, as amended.
 - g. A description of responsibility for maintenance of any recreational facilities to be provided by the developer.
 - h. A description of accessibility of the proposed facilities to general Borough residents.
 - i. A description of any contributions in accordance with this chapter that the developer plans to make for Borough recreation to compensate for expected impacts.
 - j. Source of standards used in the data presented.
5. Karst hazard assessment and remediation plan. All applications for subdivision and/or land developments where sinkholes, closed depressions, lineaments, or faults have been identified, shall be accompanied by karst hazard assessment and a remediation plan in accordance with the Stormwater Management Ordinance.
6. Erosion and sediment control plan. All applications shall state whether an erosion and sediment control plan is required pursuant to 25 Pa. Code § 102 et seq., or any future corresponding law or regulation. If an application states that an erosion and sediment control plan is not required, the applicant shall set forth the basis for such statement. If an erosion and sediment control plan is required, applicant shall provide proof of submission of such a plan to the Lebanon County Conservation District or other applicable agency and shall provide proof of approval of the erosion and sediment control plan prior to unconditional final plan approval.
7. A new development schedule including the approximate date when the construction is expected to begin and completed.
8. A copy of all restrictions or covenants if any under which lots are to be sold.

9. Copy of the last recorded subdivision or land development plan pertaining to the site.
10. Water resources impact statement if applicable.
11. A plan for the ownership, maintenance, and management of open space areas.
12. Reports or letters regarding availability of sewer and water facilities.
13. Reports or letters regarding availability of gas and/or electric utilities.
14. Copies of letters and permit applications to all reviewing agencies.
15. Wetlands delineation study, if applicable.
16. Additional Plans. Other plans as required to comply with this Ordinance or other provisions in the Borough Zoning Ordinance.

Section 306. Preliminary Plan Filing and Review Procedure.

The procedure contained in this Section shall regulate the review of Preliminary Plan for subdivision and land development.

- A. The Borough Manager/Secretary will conduct a cursory review of the application filed including administrative forms, Preliminary Plans, and other required studies and reports to ensure that the submission appears to be complete, and will then stamp the plans with the Plan Filing Date.
- B. The Preliminary Plan shall be placed on the agenda of the next regularly scheduled meeting of the Borough Planning Commission following the Plan Filing Date provided that plans are filed at least fifteen (15) days prior to the meeting date.
- C. The Borough Manager/Secretary shall distribute copies of the plan to the following for review and recommendations:
 1. Borough Planning Commission.
 2. Borough Council.
 3. Emergency management services and fire company.
 4. Borough staff including: Solicitor, Assistant Manager, Public Works Director, other Borough boards or officials, sewer department and water authority, and/or other technical consultants as needed.
- D. Upon completion of its review of the Preliminary Plan, which should include consideration of the timely recommendations of the Borough Engineer, Lebanon County Planning Department, and other technical advisors when requested, the Borough Planning Commission shall communicate its recommendations to Borough Council.
- E. Revision. The applicant is encouraged to make revisions to the plan prior to consideration by the Borough Planning Commission. Any such revisions must be completed, and copies of the revised plan must be submitted seven (7) days prior to the Planning Commission meeting at which the applicant desires to be considered. The applicant shall distribute revised plans as follows:

1. One copy of the revised plan shall be provided to the office of the Borough Engineer. Revised plan must be in hard copy format. Electronic copies may be accepted.
 2. Five full size copies and seven half size copies of the revised plan shall be provided to the Borough Office. Revised plans must be in hard copy format. An electronic copy, in a form specified by the Borough shall be submitted.
 3. Failure to distribute the plan in the manner prescribed above, or to distribute the plan after the deadline described above shall result in the plan being removed from the Planning Commission's agenda for the subject month and placed instead on the Planning Commission's agenda for the following month.
 4. Should the applicant wish to delay consideration of the plan by the Planning Commission to allow for the completion of revisions, the Borough must be notified by 12:00 p.m. on the Tuesday immediately preceding the Planning Commission meeting.
 5. Should the applicant wish to proceed to the Borough Planning Commission meeting without making revisions in response to comments received at the staff meeting, no resubmission of plans is necessary. It should be noted, however, that failure to address staff comments may be grounds for a negative recommendation by the Planning Commission, or the plan being tabled until such comments are addressed.
- F. Borough Council shall have a ninety (90) day time period to act on the plan unless the applicant has agreed in writing to an extension of the time period.
1. The ninety (90) day time period shall be measured from the date of the next regularly scheduled Borough Planning Commission meeting following the Plan Filing Date provided that such meeting shall occur at least fifteen (15) days after the Plan Filing Date.
 2. If an extension of the ninety (90) day time period is applied, it shall be measured from the expiration of the original ninety (90) day period. A time extension shall postpone the deadline and effects of the ninety (90) day time period for the additional number of days agreed to in writing prior to the last scheduled Borough Council meeting within the ninety (90) day plan review period.
- G. The Borough Council shall consider the Preliminary Plan application at one or more of its public meetings during the 90-day time period, and/or extension thereof if applicable, and shall render a decision on the plan following receipt of the recommendations of the Borough Planning Commission, Borough Engineer, Lebanon County Planning Commission, and/or other technical advisors as requested.
1. Provided, in accordance with the Pennsylvania Municipalities Planning Code, that the Borough Council shall not approve an application until the Lebanon County Planning Department report of its recommendations is received, or until the expiration of 30 days from the date the application was forwarded to the County.

2. The applicant or appropriate representatives shall be present at all public meetings at which the plan is to be discussed and shall be prepared to provide a presentation of the proposed plan utilizing paper display maps or digital projected images.
- H. Procedure Following the Borough Council's Decision. When the Borough Council makes a decision on a Preliminary Plan, one of following procedures will be followed, depending on the type of decision:
1. Denial. If Borough Council denies a Preliminary Plan, then the written notification to the applicant shall specify the defects found in the application and describe the requirements which have not been met, and shall cite the provisions of the statute or ordinance relied upon.
 2. Approval. If Borough Council approves a Preliminary Plan, as filed by the applicant, then the Secretary will so certify thereon, and a copy of the approved plan will be forwarded to the applicant. The applicant shall then submit two paper copies of the approved plan for Borough seal and signature.
 3. Approval Subject to Conditions. If Borough Council approves a Preliminary Plan, conditioned upon the performance of any act or the obtaining of any other approval or permit by the applicant, the applicant shall be given the opportunity to accept or reject the conditions within a ten (10) day period. The approval of the plan shall be rescinded automatically without action of Borough Council, at the end of 10 days from the date at which conditional approval was granted or notice received by the applicant regarding the conditional approval, upon either the applicant's failure to execute the written acceptance or upon rejection of such conditions by the applicant. Written notice will be provided to the applicant in the following manner:
 - a) Specify the conditions of approval and request the applicant's written agreement to the conditions.
 - b) State that the application will be denied if the applicant does not agree to the conditions, and specify the defects found in the application, describe the requirements which have not been met, and cite the provisions of the statute or ordinance relied upon for denial of the plan.
 - c) State that the plan approval shall be rescinded automatically upon the applicant's failure to accept or reject the conditions within 10 days following the decision by Borough to grant conditional approval.

Following submission of written agreement to the conditions specified by Borough Council the applicant shall submit two paper copies of the Preliminary Plan, which show compliance with the conditions, by plan revision or notation, for Borough seal and signatures.

4. Written notification of the Borough's decision shall be hand delivered to the applicant or be mailed to the applicant's last known address not later than ten (10) days following the decision.

- I. Effective Period of Approval. Approval will be effective for a period of five (5) years from the date of plan approval in accordance with the MPC, unless extended in writing by the Borough Council.

Section 307. Final Plan Requirements.

This Section contains the requirements for Final Plans for subdivision and/or Land Developments. Information on the Final Plans should reflect the approved Preliminary Plans and any conditions made in the approval of them.

- A. A minimum of seven full-sized 22 inches by 34 inches copies of the preliminary plan, seven half size 11 inches by 17 inches copies of the preliminary plan. Additional copies of the preliminary plan and reports may be required by the Borough.
- B. Plans must be accompanied by:
 1. The Borough's filing fee.
 2. One copy of the properly completed subdivision or land development plan application form.
 3. Two copies of the properly completed modification request form(s) if modifications or waivers are requested. Separate modification request forms must be submitted for each section of the chapter of which a waiver or modification is requested.
 4. The plans shall also be submitted electronically in a form specified by the Borough (PowerPoint, CAD, GIS, etc.).
 5. The applicant is responsible for providing the Borough Engineer, by the first business day of the month in which the plan will be reviewed by the Borough Planning Commission, with one paper copy of the plan and all required supporting data and an electronic copy of the submission. Documentation shall be provided to the Borough which proves that the Engineer has received the plans.
 6. The applicant is responsible for submission to the Lebanon County Planning Commission (LCPC) with one paper copy of the plan, one copy of the traffic impact study and all required supporting data. All fees required by LCPC shall be paid for at this time. Documentation shall be provided to the Borough which proves that the LCPC has received the plans.
- C. Drafting Standards. The same standards are required for a final plan as specified for a preliminary plan in § 305.
- D. Existing Features. The same standards are required for a final plan as specified for a preliminary plan in § 305.
- E. Proposed Features. In addition to the following data, the same standards are required for a final plan as specified for a preliminary plan in § 305.
 1. Complete description of the center line and right-of-way line for all new and existing streets. This description shall include distances and bearings with curve segments comprised of

radius, tangent, arc, and chord. The description shall not have an error of closure greater than one foot in 10,000 feet.

2. Complete description of all lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing street rights-of-way, the description may utilize the existing deed lines or road center lines. Along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines. The description shall not have an error of closure greater than one foot in 10,000 feet.
 3. Locational dimensions for easements with sufficient detail to provide easy on-site location. Easements shall be located by a metes and bounds description.
 4. Street addresses assigned for all proposed lots.
- F. Reports. The same standards are required for a final plan as specified for preliminary plan in § 305. If the reports were submitted with the preliminary plan and the contents are unchanged, they may be submitted by reference as opposed to full text submission.
- G. Certifications and notifications. In addition to the following data, the same standards are required for a final plan as specified for preliminary plan in § 305.
1. A statement on the plan acknowledging final plan approval. This statement must be placed on the first sheet of plans which are subject to recording in the office of the Lebanon County Recorder of Deeds.
 2. A statement on the plan acknowledging plan review by the Borough Planning Commission. This statement must be placed on the first sheet of plans which are subject to recording in the office of the Lebanon County Recorder of Deeds.
 3. A notarized statement on the plan signed by the landowner, duly acknowledged before an officer authorized to take acknowledgement of deeds, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded. This must be dated following the last change or revision to said plan.
 4. A statement on the plan of dedication of streets and other public property as well as area that is not to be offered for dedication.
 5. Such written notices of approval as required by this chapter, including written notices approving the street name, encroachments along state routes, water supply systems, sanitary sewage systems, and stormwater runoff to adjacent properties.
 6. A statement on the plan to accommodate the Lebanon County Recorder of Deeds information.
 7. A statement on the plan to accommodate the Lebanon County Planning Department certificate of review.

8. An improvement guarantee in accordance with §602.
 9. A statement on the plan that all public improvements will comply with the Borough's construction specifications.
 10. A properly executed land development agreement for any nonresidential development and any residential development involving more than 10 lots or a properly executed developer's letter-agreement for all other development, as applicable, in the form and content required by the Borough setting forth, among other things, the responsibilities for the development of the property and listing required improvements, lands to be dedicated, and contributions to be made to the Borough.
 11. If the plan proposes an addition to an existing lot, an accurate description of the parcel to be added to the existing lot and an accurate description of the new lot to be created after the addition. After the lot add-on plan is recorded, the applicant shall prepare and record a deed containing a consolidated legal description for the new lot.
- H. Additional Information. The following additional information shall be submitted with the Final Plan.
1. All required Local, State, and Federal Permits shall be submitted. These permits may include: Lebanon County, PennDOT, or Borough road access permits; PADEP permits for drainage, stream alteration, wetlands encroachment, water quality discharge, dams, erosion, and sedimentation control, air pollution, or sanitary sewage facilities.
 2. The following statement shall be required on the Final Plan, as applicable:
 - a. "For access to a highway under the jurisdiction of PADOT, a highway occupancy permit is required, pursuant to Section 420 of the act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law." Access to the State highway shall be only as authorized by the highway occupancy permit."
 3. All engineering calculations which support the proposed improvements such as drainage calculations, sanitary facility design calculations, or structural calculations.
 4. Certification of inspection and satisfactory functioning of any on-lot sewage disposal system which will remain in use, in accord with current industry, DEP, or County Health Department standards.
 5. Developments utilizing public water or sewer facilities should provide proof that those services will be provided.
 6. Sewage facilities plan approval from PADEP.
 7. Approval of the erosion and sediment control plan from the Conservation District.
 8. Approval of a NPDES Permit if required for the project.

Section 308. Final Plan Filing and Review Procedure.

Final Plans shall be filed and reviewed in accordance with the procedure contained in this Section.

- A. The application for approval of the Final Plan shall be placed on the agenda of the next regularly scheduled meeting of the Borough Planning Commission following the Plan Filing Date provided that plans are received at least 15 days prior to the meeting date.
- B. The Borough Manager/Secretary shall distribute copies of the plan to the following for review and recommendations:
 - 1. Borough Planning Commission.
 - 2. Borough Council.
 - 3. Emergency management service and fire company.
 - 4. Borough Solicitor, Public Works Director, Fire Marshall, Police Chief, other Borough boards or officials, sewer and/or water authorities, and/or other technical consultants as needed.
- H. Revisions. The same standards are required for a final plan as specified for a preliminary plan in § 306.
- C. A Final Plan for an application that has been previously granted Preliminary Plan approval shall be approved by Borough Council when it is assured that:
 - 1. The Final Plan conforms to the approved Preliminary Plan and any conditions made in the approval of it.
 - 2. All engineering and other technical details have been resolved to the satisfaction of the Borough Engineer, as evidenced by a letter from the Borough Engineer, and to the satisfaction of other technical advisors, when requested by Borough Council.
 - 3. A recommendation is received from the Planning Commission if specifically requested by the Borough Council.
 - 4. All financial security and legal agreements, including a development agreement, have been satisfactorily executed by applicant and found acceptable by Borough Council, under the advice of the Solicitor.
 - a) When requested by the developer, in order to facilitate financing, Borough Council shall furnish the applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the applicant obtaining a satisfactory financial security.
 - b) The Final Plan shall not be signed, released to the applicant, nor recorded until the financial improvements agreement is executed.
 - c) The resolution of approval contingent upon a financial security agreement shall expire and be deemed to be revoked if the financial agreement is not satisfactorily executed within 90 days unless a written extension is granted by the Borough Council.
 - 5. The plan complies in all respects with applicable Borough ordinances or that appropriate variances or waivers have been granted for features that do not comply.

6. All necessary permits and other plan approvals have been obtained from the applicable regulatory agencies, authorities, or departments.
- D. After the Final Plan is approved, the applicant shall present three (3) paper copies of the plan to the Borough Secretary for signature by Borough Council, including the affixing of the official Borough seal. Digital shape files of the appropriate proposed public improvements and record plan, in a form satisfactory to the Borough, shall also be provided at that time.

Section 309. Recording the Final Plan.

Within ninety (90) days following Final Plan approval or ninety (90) days following the delivery of the signed plans to the applicant by the Borough or following completion of conditions imposed for such approval, the applicant shall record the Final Plan in the Office of the Recorder of Deeds of Lebanon County.

- A. In accordance with the Pennsylvania Municipalities Planning Code, whenever Final Plan approval is required by a Borough, the Recorder of Deeds shall not accept any plan for recording unless it contains the official approval of Borough Council and certification of review by the County Planning Commission.
- B. Prior to recording, the applicant shall present the approved plan to the Lebanon County Planning Department for its stamp and seal, with one paper copy given to the County Planning Department for its files.

Section 310. Minor Plan Filing Requirements and Review Procedure.

Minor Plans may be filed and processed only for Lot Line Adjustments, Simple Conveyances, Minor Subdivisions, or Minor Land Developments as characterized herein, in accordance with the standards and requirements in this Section.

- A. Standards for Qualification as a Minor Plan Submission.
 1. Lot Line Adjustment.
 - a) A proposal between two abutting, existing, legally approved and recorded lots.
 - b) A common lot line is proposed to be adjusted in terms of its location or configuration or eliminated.
 - c) The land area of each lot may be different after adjustment, but the total lot area of the 2 lots will be unchanged.
 - d) No alteration will occur to the perimeter boundary lines of the 2 lots.
 - e) Neither lot shall violate the applicable dimensional requirements of the zoning ordinance as a result of the lot line adjustment.
 - f) Possible reasons for lot line adjustments include, but are not necessarily limited to:
 - 1) Correcting errors regarding locations of existing improvements (e.g., if the driveway for Lot #1 is located on Lot #2);

- 2) Relating the line to definitive physical characteristics (e.g., to adjust the line to run along an existing hedgerow);
- 3) Preferences of the landowners involved.

2. Simple Conveyance.

- a) A proposal between two abutting, existing, legally approved and recorded lots.
- b) A portion of one lot is being divided off to be conveyed to the owner of the abutting lot.
- c) The land area of each lot will be different after conveyance, but the total lot area of the two lots will be unchanged.
- d) The lot from which the land is being conveyed must be suitable in terms of the applicable dimensional requirements of the zoning ordinance, so that after conveyance, it will remain in compliance with those requirements.
- e) The land area being conveyed need not satisfy any of the dimensional requirements applicable to lotting in the district in which it is located, nor the street frontage requirements of the zoning ordinance, provided that it shall be deed restricted to the extent that it may not be transferred independently, but must be transferred together with the lot to which it is being functionally added by the process of simple conveyance.

3. Minor Subdivision.

- a) A subdivision proposal which would divide one existing lot into not greater than 3 lots, each of which will comply with the applicable dimensional requirements of the zoning district in which the existing lot is located.
- b) The existing lot has sufficient frontage on an existing, improved public street to satisfy the applicable Borough requirements for lot frontage and access to a public street for both proposed lots.
- c) The existing lot has not been a part of an approved subdivision proposal during the five (5) years previous to the current application.
- d) The subdivision will not require new road construction, road improvements, or the extension of existing public utility lines.
- e) The proposal will not involve significant stormwater and/or erosion control issues, as determined by the Borough Engineer.
- f) Disqualification. Borough Council may require standard Preliminary Plan submission in place of a Minor Plan when conditions warrant it, at the advice of the Planning Commission or Engineer.

4. Minor Land Developments

- a) A land development proposal where it is found that the intended development or modification of a site or use and occupancy of an existing structure will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting, or other elements described within the purposes of the Ordinance.
- b) Parking lot expansions.
- c) Additions to existing non-residential buildings provided that the addition is less than 5,000 gross square feet and involves no more than a 25 percent in the size of the existing building.
- d) The conversion of a residential dwelling that results in the creation of no more than four (4) new dwelling units.
- e) The addition of tenants to an existing non-residential building when minimal structural improvements are required.

B. Submission Requirements and Review Procedure

- 1. All Minor Plans shall be considered to be Preliminary Plans for the purposes of submission for review and approval, and shall comply with the requirements of Section 304, Preliminary Plan Submission Requirements and Section 305, Preliminary Plan Review Procedure.
- 2. When a Minor Plan qualifies for approval, or for approval subject to conditions, in accordance with Section 309 A, herein, the Minor Plan may be granted concurrent Preliminary and Final Plan approvals, provided that the plan includes the Final Plan Certifications required by Section 306 D herein, and complies with Section 307 C, herein.
- 3. A Minor Plan which will require access to a State highway shall provide the "highway access" statement on the plan, as required by Section 306.

Section 311. Resubmission.

The Borough may consider changes to plans that are submitted as Preliminary or Final Plans if they are resubmitted in the following manner:

- A. Seven (7) of resubmitted plans must be filed with the Borough Manager/Secretary during regular business hours.
- B. The resubmission must be accompanied with a completed resubmission application form.
- C. The applicant shall grant an extension of the ninety (90) day review time as a condition of filing a resubmission that involves substantial changes to the current plan if requested by the Borough.
- D. All plans or other supporting studies or materials being replaced by the resubmission shall be officially withdrawn from the filed application by the applicant and will no longer be considered by the Borough.
- E. Additional review fees may be required by the Borough.

Section 312. Other Approvals.

The applicant is responsible for making the appropriate applications for various federal, state, county, and municipality permits or other approvals from governments or private utilities or service providers. These should be sought in a timely manner that fits into the overall plan review and approval process described in this Article. To the extent that the applicant is required to modify the plan as a result of permits or other approvals, the applicant is still required to comply fully with the Borough's Subdivision and Land Development and Zoning Codes.

Section 313. Development Disclosure.

All developers, owners, builders, or agents representing them who are selling a vacant subdivided residential lot or a newly constructed home to a member of the general public shall adhere to the following disclosure requirements:

- A. The seller of any newly constructed residential property or subdivided lot for a residential building shall prominently display the approved subdivision or land development in the location where property sales are transacted so as to be plainly visible to all potential buyers. The approved subdivision or land development plan shall include the record plan complete with all approval notations and all accompanying plans approved with the record plan.
- B. Before signing a sales agreement for a newly constructed property or a newly subdivided lot for a residential building, buyers shall sign a disclosure statement that verifies that the seller has been provided all relevant information described below and limitations or restrictions associated with them which is clearly displayed on plans with appropriate narrative materials including:
 - 1. Common areas such as park lands, streets, and open space which is part of the subdivision or land development or adjacent to it. Any improvements to these common areas that may occur in the future as described during the development process or as noted on the plans should be discussed.
 - 2. All lot lines in the development.
 - 3. All limits to the use of the lot subject to purchase including the setbacks for building, building coverage restrictions, and height restrictions.
 - 4. All uses permitted in the development under current zoning.
 - 5. All dimensional requirements for accessory structures on the lot to be purchased.
 - 6. Any easements, deed restrictions, or conservation areas in the development and what limitations they make to the property.
 - 7. Membership requirements for homeowners association. A copy of the homeowners association or condominium agreement shall be provided.
 - 8. The location of all wetlands in the development.
 - 9. The location of all 100-year floodplains in the development.

10. The location of steep slopes.
11. The location all stormwater management facilities including maintenance requirements and drainage easements.
12. Public pathways and trails.
13. The zoning of the land that adjoins the development.
14. Proposed new road rights-of-way in or adjoining the development including the extension of temporary cul-de-sacs.

PART 4 – REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

Section 401. Intent.

The design standards established in this Chapter are intended to be fundamental requirements to be applied with professional skill in the subdividing and planning of land to produce attractive and harmonious neighborhoods, convenient and safe streets, and economical layouts of residential and other land development. The design standards are further intended to encourage and promote flexibility and ingenuity in the layout and design of subdivisions and land developments, in accordance with modern and evolving principles of site planning and development. It is further intended that subdivision and land development designs shall promote interconnectivity and walkability within neighborhoods, protection of natural features and resources, reservation of open space areas and emphasize the preservation and planting of trees along streets, within parking areas and in developed areas.

It is also the intent of this Chapter to require subdividers and developers to follow all applicable codes, regulations, and standards adopted by the Borough relative to improvements to the subdivision or development site. In all cases, the codes, regulations, and standards of the Borough shall be followed, and the improvements shall be approved by the Borough Council before the final plan is approved. In cases where development codes, regulations, and standards do not exist at the municipal level, the requirements of this Chapter shall be followed and approved by the Planning Commission. All improvements as specified in this Chapter or in applicable municipal ordinances shall be installed before the final plat is approved or, in lieu thereof, a guarantee of installation shall be provided by the subdivider or developer prior to final plat approval. The guarantee shall assure the Borough that the required improvements will be installed in accordance with the subdivision or land development plan.

During the design and approval of subdivision and land development plans the Planning Commission, the municipal planning agency and governing body, and the developer shall give primary consideration to all transportation plans, watershed plans, water plans, sewer plans, community facility plans, county and municipal comprehensive plans and official maps as may be in effect in the Borough.

Section 402. General Standards.

- A. The standards of design and construction in this article shall be used to judge the adequacy of subdivision and land development proposals and shall be the minimum criteria in achieving the purpose and objectives of this chapter.
- B. In addition to the standards included herein, development proposals shall also comply with such construction specifications adopted by the Borough.
- C. Variations or modifications to these criteria may be granted by the Myerstown Borough Council in accordance with the provisions set forth in § 603 of this chapter. Where questions should arise regarding the interpretation of these design standards, the determination of the Borough Council shall prevail.

- D. Whenever the Zoning Ordinance provides that the use proposed by the applicant for subdivision and/or land development approval shall constitute a use by special exception or conditional use or require a variance from any provisions of the Zoning Ordinance, the applicant shall obtain such special exception, conditional use, or variance from the Zoning Hearing Board or Borough Council, as applicable, prior to submission of the final plan. The plan shall be designed and developed in accordance with any conditions that have been imposed upon the granting of such special exception, conditional use, or variance by the Zoning Hearing Board or Borough Council, as applicable.
- E. Deeds filed subsequent to subdivision or land development approval shall accurately and correctly describe the property therein. Deeds and use of the property shall be in complete compliance with all plan notes and conditions. Recording a deed which omits or contradicts the information on an approved subdivision or land development plan shall be a violation of this Ordinance.

Section 403. Blocks.

- A. Blocks shall be of sufficient depth to permit two tiers of lots, except where reverse frontage lots are necessary or other site-specific limitations.
- B. All blocks in residential subdivisions shall have a maximum length along any side of 1,500 feet and a minimum length of any side of two tiers of lots that conform to the standards of the Myerstown Borough Zoning Ordinance.
- C. In nonresidential areas, the block and lot layout must be designed with consideration of site conditions:
 - a. To permit the most efficient arrangement of space for present use and future expansion.
 - b. To permit adequate, safe worker and patron access, emergency vehicle access, circulation and parking, as well as loading and unloading.

Section 404. Lot sizes and standards.

- A. Lot areas shall conform with the Myerstown Borough Zoning Ordinance requirements.
- B. Depth of residential lots should be not less than one (1) nor more than two and a half (2-1/2) times the lot width.
- C. Every lot shall abut a street. Lot frontage or access shall be physically accessible by standard vehicle in existing condition, or the Planning Commission shall require illustration of the site improvements planned and necessary to alter steep banks, flood plains, visibility limitations, etc. to a condition that will facilitate safe and adequate access. The Planning Commission may also require that lots be arranged to reserve a right-of-way for street access to future lots.
- D. Double or reverse frontage lots may be preferred or required when lot access to an adjoining street is not permitted or separation from the street is desired because of topographic, orientation, aesthetic, congestion, safety, or high noise level considerations. Landscaping and buffering should be provided along the adjoining street.

- E. In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply.
- F. Additional lot areas beyond minimum size may be required:
 - 1. On slopes in excess of 15 percent.
 - 2. To control erosion or storm water runoff.
 - 3. To provide sufficient area for sewage disposal.
- G. Lots shall be suitably shaped to encourage and facilitate use and maintenance of all portions of the lot. Accordingly, lots shall be square or generally rectangular in shape. Lot configurations which result in L-shaped, T-shaped, triangular, or otherwise inappropriately shaped lots shall be avoided.
- H. Subdivision of property with existing dwellings or development shall be regulated by the following:
 - 1. Each dwelling or use shall be serviced by separate utility connections. Shared sewage systems are not permitted.
 - 2. Each dwelling or use subdivided shall be on sufficient land area to satisfy minimum lot area and yard setback requirements. Where adequate land area is not available to satisfy minimum standards, subdivision may be permitted when:
 - a. Each dwelling or principal building is in good structural condition.
 - b. Mobile homes are not involved.
 - c. An equitable distribution of land is proposed between the existing uses or buildings.

Section 405. Energy Conservation Standards.

Conservation of energy shall be an important principle in the design of subdivisions and land developments. Plans shall facilitate the energy efficient placement of homes and buildings on lots. Whenever the following criteria are found to be appropriate to a site, development design shall be in accordance with the standards contained herein.

A. Orientation

- 1. Lots shall be designed for energy efficient siting of buildings with respect to slopes and existing trees.
- 2. Southerly exposures should be utilized for development. North slopes, especially those over 10 percent slope, should be avoided because the long shadows created severely restrict solar access.
- 3. New lots and new residences shall be oriented to make maximum effective use of passive solar energy. The long axis (depth) of each lot should run North-South, with a possible East-West variation of 22-1/2 degrees. Lot design should provide for lots of adequate width, depth, and slope for solar orientation. Lot layout should facilitate solar access by at least 75 percent of the proposed dwellings or buildings within a development.

4. The largest yard setback should be stipulated on the south side of proposed buildings. Buildings should be situated to the North end of the lot to permit maximum on-lot control of solar sky space.

B. Streets

1. Streets should be oriented along an East-West axis, with maximum North-South deviations of 30 degrees. This should be required to the maximum extent possible, although size, configuration, or orientation of the property; nature of the surrounding development; circulation patterns; existing physical features such as topography and vegetation (trees); and improved design potential may be considered to determine the feasibility of this requirement for a given site.
2. Street system shall be designed to reduce overall lengths and facilitate traffic flow (minimum number of intersections).
3. The street system shall be bordered by trees, in accordance with standards of this Ordinance and the Borough.

C. Vegetation and Wind

1. Site design shall emphasize the preservation of all beneficial natural features of the site, such as existing slope, naturally wooded areas, and water courses. The site design should also avoid requiring removal of large, isolated trees and desirable woods and other vegetation, particularly those existing plant materials which serve as wind barriers and aid in energy conservation.
2. Developments shall be designed to maximize wind buffering and/or breeze channelization capabilities of vegetation, topography, and structure layouts. Wind breaks and buffers should utilize evergreens to protect north and northwesterly exposures. Cooling breezes from the southwest should be channeled past buildings. Deciduous trees shall be located in areas which will enable them to shade buildings from the summer sun, but still allow penetration of the winter sun.

Section 406. Topography.

Subdivisions shall be planned to take advantage of the topography of land in order to: utilize the natural contours, economize in the construction of drainage facilities, reduce the amount of grading, and minimize destruction of trees and topsoil. The natural features and other distinctive characteristics of the site shall be integrated into the plan to create functional variations in the neighborhoods.

Additionally, environmental safeguards may be mandated on slopes in excess of 15 percent. On steep slopes (in excess of 15 percent), site and lot design shall be adjusted, where necessary, to mitigate the detrimental effects of development on steeper slopes. The following topographic considerations shall be utilized in design of subdivisions and land developments:

- A. Streets – Land which is relatively flat or of very gentle slopes should be planned so that the streets follow the natural drainage courses and as many lots as possible shall be above the street grade. On more irregular topography, streets shall be designed to avoid extensive cuts and fills and follow the ridges or be planned approximately parallel to contour lines, and adjusted, however, so that lots on one (l) side of the street will not be excessively below the street grade.
- B. Natural Drainage – Subdivisions shall be designed, particularly on land of very gentle slopes, to take every advantage of natural grades so that all the land can be drained without excessive grading. Unless water courses or drainage ways are enclosed, the plan shall be adjusted so that rear lot lines shall be approximately parallel to the natural or straightened course, and only where such plan is not possible, should side lot lines be arranged parallel to an open drainage course. Easements for drainage ways and low-lying land which are subject to flooding may be included as part of a lot but shall not be used as building sites or included in calculating the required lot area or width.
- C. Natural Features – Natural features, irregularities, changes in level, brooks, lakes, hilltops, and other focal points within the site, and distant views outside the subdivision shall be integrated in the design to obtain variations and interest in each neighborhood and more attractive building sites. Trees, topsoil, and other natural resources shall be preserved and utilized in the development of the subdivision.
- D. Driveways – Private driveways shall be designed to furnish safe and convenient access, with reasonable clear sight distance at intersection with the street. Site improvements shall be required to insure adequate site visibility at the point of access and installation of a stable, erosion resistant driveway surface. Driveway site distances shall be consistent with current PENNDOT requirements (Specifications located in appendix) and appropriate radii shall be provided.

Steep slopes shall be traversed diagonally to minimize grades. Driveway grades shall not exceed 15 percent slope at any point. All driveways shall be designed and improved with a rolled stone or paved surface, sufficient to avoid erosion. When driveway grades exceed 10 percent slope driveways shall be paved to minimize erosion. Required driveway improvements shall be guaranteed in accordance with Section 5.14 of this Ordinance.

Section 407. Grading.

The developer shall grade each subdivision or land development to establish street grades, floor elevations of buildings, and lot grades in proper relation to each other and to existing topography. However, grading shall be kept to a minimum to avoid loss of topsoil and erosion potential. Lots shall be graded to secure drainage away from buildings. The grading shall facilitate collection of storm water in designated areas and avoid concentration of water in the sewage system location.

The grading of the roadway shall extend the full width of the cartway, shoulder and swale area, if applicable. Where possible, grass strips or channels between the curb or shoulder and right-of-way line should be graded at 3:1 slope; however, when unusual topographic conditions exist, good engineering practice shall prevail.

Section 408. Sewage Disposal.

Sewage disposal facilities shall be designed and constructed to meet the needs of the proposed subdivision or land development. Sewage disposal facilities shall also meet all requirements of the Pennsylvania Department of Environmental Protection, the Municipal Act 537 Sewage Plan in the municipality wherein the subdivision or land development is located. The following requirements specify the design and installation standards for subsurface sewage disposal and public and private sewerage systems.

- A. Subsurface Sewage Disposal – All subdivisions and land developments proposing subsurface sewage disposal shall be designed and submitted in compliance with the prevailing requirements of the Pennsylvania Sewage Facilities Act, D.E.P. and, where applicable, the Delegated Local Agency. It is the intent of this section to coordinate a simultaneous review of subdivision and land development plans with sewage planning modules at the municipal level, thereby avoiding the approval of lots that are not suitable for sewage disposal. The Borough Council will approve the use of on-site sewage disposal systems only when the Department of Environmental Protection certifies the suitability of the land for on-site sewage disposal. The following documentation is required for on-lot system:
 - 1. Soils tests shall be performed in accordance with the regulations of the Sewage Enforcement Officer and/or Department of Environmental Protection.
 - 2. A nitrate study shall be required for all lots to determine the minimum lot size required in accordance with Pennsylvania Code, Title 25, Chapter 71, as amended.
- B. Existing Public Sewers – When a subdivision or land development has public sewers available on-site or within one thousand (1,000) feet of the site, sewer lines shall be included on the subdivision or land development plan and installation must be approved by the municipal authority responsible for the sewer system. Written documentation is required from the Authority to verify adequate capacity, agreement to provide service, and specific design approval.
- C. Planned Sewer Area – When a proposed subdivision or land development is located in an area not presently served by public sewers, but which has received design data preparatory to sewer system installation within eighteen (18) months, then the Borough shall determine the necessity of installing house connections and/or capped mains, even though on-site facilities will be required in the interim. Installation of house connections and capped mains shall be in accordance with municipal design data and approved by the municipal engineer prior to approval of a preliminary or final plan.
- D. Private Sewerage System – When a subdivision or land development is to be provided with a private sewerage system, a statement shall be submitted to the Planning Commission from the Pennsylvania Department of Environmental Protection verifying that a permit has been issued approving the proposed facilities. Additionally, the Borough must be satisfied that adequate provisions have been made to guarantee the construction and maintenance of the proposed private sewerage system.

E. Plan Notice

1. Subsurface Sewage Disposal – All subdivision and land development plans shall contain a plan note specifying that approval of the plan does not guarantee permit issuance for sewage disposal.
2. Public Sewers – All subdivision and land development plans shall contain a plan note specifying that connection to public sewer lines is required.
3. Lot additions in non-public sewer areas/agricultural parcels – non-building language to be displayed as provided in appendix and proper documentation to be processed through Sewage Enforcement Officer and the Borough.

Section 409. Water Supply.

A water supply system shall be designed and constructed by the subdivider or developer as required by the Borough and the Myerstown Water Authority in relation to the specific site of the proposed subdivision or land development. The water supply system shall be capable of meeting the domestic and fire protection needs of the site. When possible, the subdivision or land development should be served by a public water supply system approved by municipal water officials or a community water system approved by the Pennsylvania Department of Environmental Protection. If the subdivision or land development is to be supplied by a public or community water system, the subdivider or developer shall submit a written certification, commitment, or evidence that the municipal water company or authority or the association of lot owners or private company, as applicable, has adequate water capacity, has agreed to provide water service, and has approved the specific water system design.

When a subdivision or land development has public water on-site or within five hundred (500) feet of the site, public water lines shall be extended as necessary to service the lots and uses on the subdivision and land development plan, subject to approval by the municipal authority responsible for the water system.

In those cases where a public or community water system is not available or practical, a well shall be provided for each lot. The Borough Council will approve individual on-lot groundwater or community water systems only when the hydrogeologic and groundwater assessment report indicates and the Borough Hydrogeologist and/or Borough Engineer concur that:

1. Justification that the project necessitates consideration of this method.
2. The water supply yield is adequate for the type of development proposed.
3. The installation of such systems will not endanger or decrease the groundwater supplies of properties adjacent to the land development.
4. A hydrogeologic/water facilities study is required to be submitted at the time of the submission of the application.
 - a. Test requirements:

- i. Residential development consisting of five lots or less shall sink and test the wells for all lots.
 - ii. Residential development over five lots shall sink and test the wells for the first five lots and 50 percent of the remaining lots.
 - iii. Principal nonresidential development shall sink and test the wells.
- b. Minimum supply yield:
 - i. Minimum residential requirement. The proposed well(s) is (are) capable of supplying potable water at the minimum rate of 600 gallons per day per unit of residential occupancy at a demand rate of not less than two gallons per minute for two hours, either with or without the use of a storage system.
 - ii. Minimum principal nonresidential requirement. The well(s) is (are) capable of supplying potable water at the minimum rate of 800 gallons per day per unit of nonresidential occupancy at a demand rate of not less than four gallons per minute for one hour, either with or without the use of a storage system.

Subdivision and land development plans shall contain a plan note specifying the source of water supply. Plans proposing the use of public or community water shall contain a note specifying that connection to the public or community water lines, as applicable, is required. Plans proposing the use of individual wells shall contain a note specifying that the lot(s) has not been tested for the availability of water of adequate quality or quantity and no guarantee of water availability is provided.

Section 410. Fire Hydrants.

- A. Where public or central community water systems are provided for subdivision and land development, fire hydrants suitable for coupling with fire equipment serving the Borough shall be installed at the sole expense of the developer. The fire protection system shall be designed by a registered professional engineer and approved by the Borough Engineer and Municipal Authority.
- B. Fire hydrants shall meet the following standards and shall be approved by the Borough Council upon review and recommendation by the Borough Engineer and the Borough Fire and Rescue Association.
- C. All fire hydrants will be located on an eight-inch line or a looped six-inch line. Where a dead-end line is required to contain a fire hydrant, the portion of the line between the main loop and the hydrant shall have a minimum diameter of eight inches.
 - 1. Fire hydrants shall be spaced in a subdivision or land development so that all proposed buildings will be no more than 600 feet from the hydrant, measured along traveled cartways. Where existing fire hydrants are inadequate to meet this requirement, additional hydrants shall be provided at the developer's expense.
 - 2. All central community water systems must provide a minimum of 500 gallons per minute (GPM) at a residual pressure of 20 pounds per square inch (psi) for a two-hour period.

3. All fire hydrants shall be equipped with a flexible whip marker device. The device shall extend a minimum of 36 inches above the highest part of the fire hydrant and shall be provided with a high visibility and/or reflective surface that is visible from all directions. The device shall be equipped with a hinge device that permits deflection of the marker in any direction without breaking and returns the device to an upright position when the deflecting force is relieved.

Section 411. Streets.

- A. General design guidelines. The general arrangement, character, extent and location of all streets proposed shall conform to the Borough's Comprehensive Plan and Zoning Ordinance, and shall be considered in their relation to existing or proposed streets, topographical conditions, the public convenience and safety, and in the appropriate relation to the proposed uses of land to be served by such streets. The arrangement, width, grade, and other design standards of streets shall conform to the provisions found herein.
 1. Streets shall be designed in accordance with Guidelines for Design of Local Streets and Roads (Publication 70) as amended, of the Pennsylvania Department of Transportation; specifications adopted by the Borough; and the following criteria, whichever is more stringent.
 2. Street design and driveway location shall provide adequate consideration for public safety and future maintenance of all facilities (including, but not limited to: drainage facilities, curb, snow removal, etc.). Additional easements shall be provided to facilitate such maintenance at the discretion of the Borough Council.
 3. Proposed street arrangements shall make provisions for the continuation of existing streets in adjoining areas; the proper projection of streets into adjoining undeveloped or unplanned areas; and the continuation of proposed streets to the boundaries of the tract being subdivided.
 4. When a new subdivision adjoins unsubdivided land appropriate for subdivision, the new streets shall be carried to the boundaries of the tract to be subdivided.
 5. Streets shall be laid out to facilitate the use for which they are intended. Local access streets shall be laid out to discourage their use by through traffic and, where possible, collector and arterial streets shall be designed for use by through traffic.
 6. Streets shall be related to the topography to establish usable lots and satisfactory street grades.
 7. Proposed private service access for purposes of providing a secondary means of access to a lot are permitted as deemed appropriate by the Borough Council and Borough Engineer.
 8. The design and construction standards stipulated herein are intended primarily for residential development and use. Where industrial, commercial, or other uses would generate significant truck traffic or high traffic volumes stricter standards may be required.
 9. Direct access to an arterial or collector road shall be permitted only when the subject property has no other reasonable access to the street system and only if the Borough Engineer determines that the proposed access point onto the street can be accommodated safely by

meeting safe sight distances and sufficient traffic gaps to safely enter and exit the access point, as determined in accordance with Pennsylvania Code, Title 67, Chapter 441, as amended.

10. Issuance of a PennDOT Highway Occupancy Permit (HOP) does not guarantee site plan approval by the Borough, nor does it deem the plan in conformance with this chapter. The HOP submission to PennDOT should not occur without consent to do so by the Borough. In the case of a preexisting driveway, a change in the use on the property may require a revised HOP if the proposed use will generate daily trips more than the PennDOT trip thresholds.
11. For properties that have frontage along an arterial, the Borough may prohibit access to the arterial if all movements can be efficiently and safely accommodated on the other street or streets, based on design standards contained within this chapter. Access may be restricted to the Borough Street despite the ability to receive a Highway Occupancy Permit (HOP) from PennDOT.
12. At least two points of access shall be provided for subdivisions consisting of 1) more than 10 dwelling units or units of occupancy, 2) nonresidential developments consisting of more than 100 average daily vehicle trips based upon the latest edition of the Institute of Transportation Engineers Manual. This access is to be from a through street or, where the Borough finds it appropriate, the continuation of an existing or proposed street to the boundary of the subdivision.
13. The closed end of all proposed cul-de-sac must be provided with a snow storage area. A minimum 100 square feet of snow storage area shall be provided for every 1,000 square feet of plowed area, along with any stormwater management area. The area shall be provided as an easement outside of the right-of-way, located at the discretion of the Borough, to be used to stockpile snow for winter road maintenance. The easement shall be extended into the right-of-way to the edge of the cartway to provide proper restrictions.

B. Classification.

1. Major Streets – function primarily for the movement of higher speed traffic between points of heavy traffic generation. They are often known as arterial streets or highways. They shall be planned for continuation of existing streets in the system at the same or greater width in accordance with adopted municipal standards. Major streets shall contain as few intersections as possible.
2. Collector Streets – function to collect traffic from local streets and distribute it into major streets, and, as such, they will normally contain a relatively large number of intersections with local streets and few with major streets. Collector streets shall be planned for continuity and to lead more or less directly to one or more focal points or centers of traffic generation and may become bus routes. Generally, these highways should accommodate operating speeds of 35 to 55 miles per hour or less.
3. Local Streets – provide direct access to each lot and function to allow traffic to circulate toward the principal directions of travel, bus routes, schools, and playgrounds; however, the design shall discourage through and high-speed traffic. The street pattern shall be indirect and yet

continuous to hinder through traffic, formed of straight, moderately winding, curved, looped or angular streets. Tee- intersections shall predominate and cross-intersections shall be minimized. There shall be an underlying systematic neighborhood pattern; however, gridiron and other rigid geometrical patterns should be avoided where possible. The street pattern shall include extensions to the boundaries of the development to provide circulation between adjoining neighborhoods. These streets and roads should be designed for operating speeds of 25 to 35 miles per hour or less.

4. Cul-de-Sac Streets – provide direct access to properties from other streets. Ordinarily, a cul-de-sac is a short street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.
5. Alleys – provide secondary means of access to properties. Alleys are useful in dense residential areas to provide access to the rear of the properties or in commercial and industrial areas to provide access to parking or loading areas.

C. Minimum Street Standards.

1. Future streets. Where appropriate, areas shall be reserved for future street usage in conjunction with the development of adjoining properties. Areas reserved solely for street usage at a future date will not be required to be improved; however, the right-of-way for those areas shall be reserved for street improvements to be provided by the developer of the adjacent tract. When connecting a proposed street to an existing temporary cul-de-sac, such connection and all restoration work required to restore the adjacent lots in the area of the existing turnaround shall be the responsibility of the developer proposing the connection.
2. Existing streets. Where subdivisions or land developments abut existing streets which do not conform to the minimum right-of-way and cartway widths of this chapter, such existing streets shall be improved to the specifications of this section from the center line of the streets abutting the property being subdivided or developed. The ultimate right-of-way is requested to be dedicated from the center line of the streets abutting the property being subdivided or developed.
3. Street Extension. Where a subdivision adjoins unsubdivided land, sufficient streets shall be planned to extend to the boundary lines so that all parcels may be subdivided and a coordinated street system obtained.
4. Reverse Frontage Lots. May be required where a development abuts an existing or proposed arterial or collector street in order to protect the abutting properties, reduce the number of intersections and separate the local and through traffic.
5. Streets for Multi-family Development. Shall be planned to connect with major or collector streets to avoid generating large volumes of traffic on local residential streets.
6. Reserve strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access from adjacent property to such street.

7. Street Improvements. In addition to the required pavement and shoulder widths, streets shall be designed and constructed with curbs, streetlights, culverts, catch basins, sidewalks, street trees, guiderail and other improvements required by Borough ordinance or deemed necessary for a proposed subdivision.
8. Cul-de-Sacs. Borough Council does not encourage the installation of Cul-de- Sacs in the Borough. In the rare case, which shall be proven to be a hardship on the developer, the following must be followed.
 - a. Placement of grass or improved island(s) shall not be permitted on the turning radius of Cul-de-Sac streets.
 - b. Cul- de-Sac streets shall be designed with one hundred and ten feet (110') right-of-way at the turnaround.
 - c. The length shall be more than two hundred and fifty feet (250') and less than six hundred feet (600').
 - d. Drainage should be towards the open end. If drainage is toward the closed end, it shall be conducted away in an underground storm sewer.
 - e. The closed end of all proposed cul-de-sac must be provided with a snow storage area. A minimum 100 square feet of snow storage area shall be provided for every 1,000 square feet of plowed area, along with any stormwater management area. The area shall be provided as an easement outside of the right-of-way, located at the discretion of the Borough, to be used to stockpile snow for winter road maintenance. The easement shall be extended into the right-of-way to the edge of the cartway to provide proper restrictions.
9. Private Streets. Private streets are discouraged. They will be approved only if they are designed and constructed to meet public street standards and maintenance is guaranteed in perpetuity via a bonafide homeowner's association (or similar organization) agreement and appropriate financial security for repair and maintenance. The agreement shall include the method of accessing maintenance and repair costs, that any future offer of dedication be made only for the street as a whole, that the owners will provide funds to restore the roadway with any offer for dedication, and that an agreement by the owners of 51 percent of the front footage shall be binding on the owners of the remaining lots.
10. Street design shall be in accordance with the following table:

B. Minimum Street Standards

Street Classification	Right-of-Way Width	Streets Without Curbs: Paved Cartway Width	Streets Without Curbs: Improved Shoulder Width (each)	Streets with Curbs: Street Width with Curbs	Grade (Vertical Alignment)	Radium Curvature (Horizontal Alignment)	Reverse Curve Tangent	Sight Distance	Other Requirements
Major Streets	80'	44'	10'	48'	6%	500'	200'	400'	Subject width subject to PennDOT requirements.
Collector Streets	60'	34'	8'	34'	8%	300'	100'	200'	
Local Streets	50'	26'	4'	30'	10%	150'	50'	125'	Pavement width shall be increased where on-street parking is planned or lots average 80' or less in width.
Cul-de-Sac Streets	50' (90' at turnaround)	20' (80' at turnaround)	4'	26'	10% (5% at turnaround)	150'	50'	100'	Maximum length of 600'. Serve a maximum 12 single family detached residential lots/units, 24 duplex lots/units or 30 townhouse/ multi-family lots or units

11. Street grades.

- a. The maximum street grade shall be in accordance with the Minimum Street Standards table.
- b. The minimum grade on all streets shall be 1 percent.
- c. The through street at intersections shall be approached by intersecting streets in accordance with the following standards: Where the grade of the intersecting street exceeds 5 percent, there shall be a leveling area on the intersecting street with a minimum length of 50 feet (measured from the intersection of the center lines), within which no grade shall exceed a maximum of 4 percent.

12. Horizontal Curves.

- a. The minimum radius shall be in accordance with the Minimum Street Standards table.
- b. Horizontal street alignments shall be measured along the center line and horizontal curves shall be used at all angle changes.
- c. Where practical, single, long radius curves shall be used rather than a series of curves with varying radii or a series of short curves separated by short, straight segments. Additionally, decreasing radius curves are specifically prohibited.
- d. A minimum tangent of 100 feet between reverse curves shall be provided on all streets.

13. Vertical curves.

- a. Vertical curves shall be used at all changes of grade and shall be designed for maximum visibility.
- b. Vertical alignment shall be designed to provide adequate sight distance in accordance with a Policy on Geometric Design of Highways and Streets, AASHTO, current edition.
- c. The minimum length of crest and sag vertical curves shall be determined by multiplying the following "K" value by the percent change in grade for the curve (expressed as a whole number):

Design Speed (mph)	"K" Crest Vertical Curves	"K" Sag Vertical Curves
20	10	20
25	20	30
30	30	40
35	45	50
40	70	70
45	100	90
50	150	110
55	220	130

- d. Notwithstanding the length of vertical curve calculated, the minimum length of a vertical curve shall be 100 feet.

14. Street intersections.

- a. All intersections with state routes shall be subject to the approval of PennDOT and copies of highway occupancy permits shall be submitted to the Borough prior to final plan approval.
- b. Streets shall be designed to intersect at right angles (90 degrees) and should be at right angles for at least 100 feet from the intersection of the centerlines.
- c. No more than two (2) streets shall intersect at any one point.
- d. Proposed new intersections on one side of a street shall coincide with any existing intersections on the opposite side of the street. Where intersections cannot practically be connected, a minimum of 150 feet shall separate the centerlines of offset local streets, and a minimum of 400 feet shall separate the centerlines of offset collector and major streets.
- e. Proposed new intersections on one side of a street shall be separated by at least 150 feet from existing or proposed streets on the same side of the street.
- f. Street curb intersections shall be rounded with a minimum radius of twenty (25) feet for local streets and thirty-five (35) feet for collector and major streets. The radius point shall be concentric with that for the right- of-way line.
- g. Clear sight triangles of seventy-five (75) feet measured along the centerline from the point of intersection, shall be provided and maintained at all intersections. No obstruction to the vision of a motorist shall be permitted within the clear sight triangle.
- h. Intersection sight distance shall be provided in accordance with the Sight Distance Table on the following page. If adequate sight distance is not available the Borough may: require removal of an obstruction at the applicant's expense, require alteration of the street or access way, may restrict some movements at the intersection, or may deny access at this location.

D. Street signs, names, and numbering.

- 1. Where signs are required in conjunction with a subdivision and or land development plan, it shall be the responsibility of the applicant/developer to provide street name signs and traffic control signs for the development in accordance with the approved signage plan and the Municipal specifications if provided or meet the following standards.
- 2. The design and placement of traffic control and other street signs placed in a public right-of-way shall follow the requirements specified in the most current edition of the FHWA Manual of Uniform Traffic Control Devices for Streets and Highways.
- 3. On nonpublic streets, all traffic control signs must be designed in accordance with the most recent version of the Manual of Uniform Traffic Control Devices for Streets and Highways. Non-traffic control signs on nonpublic streets do not have to meet these standards.

4. At least one street-name sign pole shall be placed at each intersection identifying all crossing street names. Signs shall be placed so that they do not obstruct sight distances and shall be under light standards if present. The design of street-name signs shall be consistent, of a style appropriate to the community, of a uniform size and color, and erected in accordance with any municipal standards.
 5. At signalized intersections, street signs shall be located on the overhead arm supporting the traffic signal, otherwise suitably suspended over the intersection. Street clearance shall be a minimum of 16 feet and six inches from the bottom of any sign or supporting equipment and the top of the paved surface.
 6. Names of new streets shall not duplicate or display similarities in sound or spelling with respect to existing or planned street names, or approximate such names by the use of suffixes such as "lane," "way," "drive," "court," "avenue." In approving the names of streets, cognizance should be given to existing or planned street names within the postal delivery district served by the local post office and emergency service providers. New streets shall bear the same name or number of any continuation of alignment with an existing or planned street. A list of proposed street names shall be submitted to the Borough, United States Postal Service and County Department of Public Safety for approval.
 7. To ensure efficient identification and location of homes and residences by emergency response units, a systematic approach to residence numbering is desired. Building numbers for residential and commercial subdivisions on existing and future Municipal streets shall be coordinated with existing residence address ranges where possible.
- E. Street Construction Standards. Streets and rights-of-way shall be improved to meet Borough standards. All street materials, construction procedures and testing requirements shall conform to the current editions of PennDOT Publication 408; Publication 213; Publication 72M, Standards for Roadway Construction, Series RC-1M to 100M Publication 111M, Standards for Traffic Control Signing, Series 7700 and 7800, current edition, including all supplemental specifications, circular letters, and amendments. All streets and related features shall be constructed to the line, grade and dimension shown on the plans, profiles and cross sections and typical sections as approved on the final land development plan. It shall be the developer's responsibility to satisfy all applicable Borough construction requirements and design standards.
1. The width of the pavement shall be measured between the vertical faces of straight curbs. No part of the curb is to be used for measuring required cartway widths. Myerstown Borough Council may require higher standards and/or greater widths than set forth in these regulations because of extraordinary traffic loads or unusual soil conditions in specific locations.
 2. No roadway construction activity shall commence unless the contractor has notified the Borough one week in advance. INSPECTIONS are required between each step as noted below.

3. The preparation of subgrade, the materials and the construction of pavement shall be in accordance with the standards of the Borough of Myerstown, or the State Department of Transportation, whichever is applicable or has jurisdiction.
4. After the underground utilities and house connections are installed, and rough grading completed, the roadway subgrade shall be shaped, rolled, and compacted. Prior to installation of the stone base the subgrade shall be inspected, and a proof roll test conducted. The developer may be required to construct a pavement of stone for use during the building construction period and furnish a bond, in the amount required, guaranteeing that all pavements shall be maintained in a passable and reasonable condition, without expense to the Borough of Myerstown.
5. After installation of the Base Course (25mm Superpave), no street openings can be made by the developer without the permission of the Borough of Myerstown. **A street opening permit is required.** The Borough Council, or designated agent, must be present during any permitted openings for proper restoration. Any openings made without authorization by the Borough will be required to be re-dug at the developer's expense, so verification can be made on proper restoration. The street will not be accepted unless inspections are made, and approval granted by the Borough. Also, note similar requirements under curbing installation.
6. All public and private streets shall meet the following standards:
 - a. Major streets. The developer shall consult with the Borough in the matter of a Borough-owned arterial street and shall consult with the Pennsylvania Department of Transportation in the matter of Pennsylvania-owned major streets. The street specification shall be governed by whichever entity owns or will own the street. Unless special conditions exist, it shall be the Borough policy to follow the construction standards of the Pennsylvania Department of Transportation.
 - b. Collector/local streets. The subgrade, subbase, base course, binder course, and wearing course of new, reconstructed, or resurfaced streets shall be designed using the DARWin Pavement Design and Analysis System or an acceptable alternate procedure that meets the requirements of the 1993 American Association of State Highway and Transportation Officials (AASHTO) Pavement Design procedures or the minimum depths indicated for each classification of street, whichever is greater, according to the following specifications:

Minimum Material Depths (in)		
Street Composition	Collector Streets	Local Streets
Subbase - PA 2A Crushed Aggregate or 3A Modified Aggregate ³	8	8
Base Course - Superpave Asphalt Mix Design, 25mm ¹	5	3
Binder Course - Superpave Asphalt Mix Design, 19mm ¹	2.5	2.5
Wearing Course, Superpave Asphalt Mix Design, 9.5mm ^{1, 2}	2	1.5

Notes:

1. ESALs shall be based upon anticipated traffic.
2. SRL designation shall be based upon anticipated traffic
3. Subgrade shall be prepared in accordance with PennDOT Publication 408.

- c. Crown. All proposed Borough roads shall be crowned with a minimum cross slope of 2 percent across the cartway. Curves on collector and arterial streets, or any streets having a design speed greater than 35 miles per hour shall be designed with super elevated cross slopes, in accordance with PennDOT Design Manual 2, as amended.
- d. Shoulders. Shoulders shall be provided where curbing is not required and shall conform to PennDOT Type 6 Shoulders as shown on PennDOT RC-25M.
- e. Calendar and weather limitations. Road construction work, such as filling, berming, subgrade, fine-grade construction, base construction, surface construction or paving, shall be completed in accordance with the limitations established in PennDOT Publication 408.
- f. Inspections. All street construction shall be subject to inspection at any time by the Borough or its agent.

Section 412. Sidewalk.

The Borough of Myerstown shall require the installation of sidewalks in all subdivisions and land developments. Sidewalks are required to provide access to and within commercial, industrial and community facilities. All public areas shall be designed to be barrier free in accordance with applicable federal and state standards. Appropriate construction details should be included on the plan.

- A. Sidewalks shall be installed on both sides of all streets in residential and nonresidential subdivisions and land developments.
- B. Sidewalks shall be provided along all existing Borough and/or State streets that adjoin any portion of any subdivision or land development.
- C. Sidewalks shall be located within the street right-of-way.
- D. Sidewalks shall be a minimum of five (5) feet wide.
- E. Sidewalks constructed of any other material are prohibited with the exception of brick.
 - 1. The property owner shall have the option to install brick sidewalk. The brick sidewalk shall be a minimum 6 feet in width measuring from the inside face of the curb into the property. The bricks shall be laid on top of 1 inch sand which shall be placed on top of 4 inches of reinforced concrete. After the brick has been laid, sand shall be swept into the cracks between the brick.
 - 2. Roof drains may not discharge water on top of sidewalks. Roof drains must either discharge into a drainage channel constructed of concrete through the curb with a metal lid secured at grade; ADA compliant trench drain.
- F. Planting strip required where sidewalk constructed for first time: Exception. All properties on which sidewalk is constructed for the first time and all properties where the sidewalk is being reconstructed, shall have a planting strip of not less than 18 inches and not more than 60 inches, said width to be uniform and to be decided upon by width of the street right-of-way. If it is physically impossible to construct a planting strip and sidewalk, or a sidewalk, the property owner shall be exonerated from constructing a planting strip and sidewalk, or a sidewalk.

Section 413. Curb.

The Borough of Myerstown shall require the installation of concrete curb in all subdivisions and land developments.

- A. Curbs shall be installed on both sides of all streets in residential and nonresidential subdivisions and land developments.
- B. Curb shall be provided along all existing Borough and/or State streets that adjoin any portion of any subdivision or land development.
- C. No curb shall be constructed in the Borough of Myerstown unless it is constructed in conformity with the specifications adopted by the Borough Council.
- D. Curb shall be required along all proposed streets and along existing streets in and abutting subdivisions and land developments.
- E. Concrete curb to be constructed in accordance with PennDOT Publication 408 and Publication 72M.
- F. All curbs at intersections shall conform to PennDOT's Publication 70 or as revised. This publication reflects the design of ramps as required to meet Federal regulations regarding physically impaired persons.

Section 414. Driveways and access drives.

A. Driveways. Driveways shall only be used to provide vehicular access between a parking area for a single residential unit of occupancy or agricultural use and a street, service, or access drive. Driveways shall conform to the Zoning Ordinance, as amended, and to the following standards:

1. Driveways shall be laid out to intersect the street as nearly as possible at right angles; in any event no driveway shall intersect the street at less than 75°.
2. Driveways shall be located and constructed so clear sight triangles are provided in accordance with Chapter 550, Zoning, as amended.
3. Driveway grades shall be in accordance with the Zoning Ordinance, as amended. Driveway intersections with streets shall be constructed to allow the flow of stormwater parallel to the street and shall comply with the requirements of the Stormwater Management Ordinance, as amended. Driveways shall be designed to intercept runoff, preventing it from entering the road or street. Detailed grading must be provided where driveways cross existing or proposed drainage swales.
4. Driveway entrances along streets, where curbs are not required, shall be constructed so that the driveway meets the edge of the cartway as a continuation of at least the slope from the crown of the street for not less than five feet.
5. Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.
6. Driveways which intersect collector or arterial streets shall provide adequate turnaround within the lot so egress to the street is in a forward direction.
7. All intersections with a state route shall be subject to the approval of the Pennsylvania Department of Transportation. Any driveway intersecting with a state route shall obtain a highway occupancy permit from PennDOT prior to receipt of a building permit.
8. Driveways shall be paved with bituminous concrete or an equivalent stabilized material from the edge of the cartway a minimum distance of 15 feet toward the interior of the lot and shall be provided in a manner consistent with the design, construction, and stormwater drainage of the street to prohibit runoff onto Borough roadways.
9. Where existing or proposed sidewalks cross a driveway, a concrete apron shall be provided from the edge of the street cartway to the far edge of the sidewalk.
10. All driveways shall also comply with the site distance requirements outlined in this chapter.

B. Access drives. Access drives shall conform to the following:

1. The vertical alignments of access drives shall conform to the specifications for local streets, as stated in this chapter.
2. Horizontal alignments of access drives shall conform to the specifications for local streets, as stated in this chapter.

3. All access drive intersections shall be:
 - a. Subject to approval of the Pennsylvania Department of Transportation when intersecting a state route. Copies of highway occupancy permits from the Pennsylvania Department of Transportation shall be submitted for all proposed intersections with a state route prior to final plan approval.
 - b. Setback 300 feet from the center line of a signalized intersection, and setback from the right-of-way lines of intersecting streets in accordance with the requirements contained in the Zoning Ordinance, as amended.
 - c. Setback from any side and/or rear property lines per requirements contained in the Zoning Ordinance, as amended.
 - d. Located in relationship to access drive intersections on adjacent properties to provide safe and efficient movement of vehicles. Access drives shall have a minimum separation distance of 60 feet from other access drives on the same or opposite sides of the street, as measured from center line to center line of the access drives. To the greatest extent possible, interconnectivity between access drives on adjacent parcels is encouraged to limit the number of access drives to public streets.
 - e. Located directly across from any intersecting street, driveway or access drive on the opposite side of the street, where applicable.
 - f. Designed with right-angle intersections whenever possible. No access drive intersection shall utilize an angle less than 75°, unless turning movement restrictions are imposed.
 - g. Rounded by a tangential arc with a minimum radius of 25 feet. The Borough may require a larger radius where large vehicle turning movements are anticipated.
 - h. Provided with a clear sight triangle, in accordance with this chapter.
 - i. Compliant with the site distance requirements outlined in this chapter.
 - j. Access drives which form a cul-de-sac shall not exceed 500 feet in length, measured from the center line of the intersecting street or access drive. Access drive culs-de-sac which do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of 100 feet.
 - k. Where access drives intersect public streets, their maximum grades within the vicinity of the intersection shall not exceed those specified for street intersections in this chapter.
 - l. The paving section of all access drives shall be, at a minimum, equal to the paving section required for local roads. Heavier paving sections may be required by the Borough Council if, in their sole opinion, the access drive may be subject to an unusually high loading of truck or heavy vehicle traffic.
 - m. The maximum slopes of banks located within 20 feet of the cartway shall not exceed 3:1.

Section 415. Parking and loading areas.

- A. Off-street vehicular parking facilities for nonresidential and residential uses shall be in accordance with the provisions set forth in the Zoning Ordinance.
- B. Vehicular parking facilities for land uses other than single-family residences shall be designed according to the following provisions:
- C. Horizontal curves in a parking area shall have a minimum curb radius of two feet. Turning templates may be required by the Borough to ensure proper access by emergency vehicles.
- D. All dead-end parking areas shall be designed to provide a sufficient back-up area for end stalls.
- E. Painted lines, arrows, and dividers shall be provided and maintained to control parking and, when necessary, to control vehicular circulation. The lines of all parking stalls and interior traffic controls shall be solid and four inches in width.
- F. Parking areas shall be provided with drainage facilities in accordance with the provisions of this chapter and the Stormwater Management Ordinance.
- G. Parking areas shall be designed to allow for snow removal.
- H. The width of all parking aisles providing direct access to individual parking stalls shall be in accordance with the Zoning Ordinance.
- I. Parking areas shall be paved with concrete or bituminous materials based upon site specific pavement design.
- J. Parking spaces shall be sized in accordance with the Zoning Ordinance.
- K. Parking spaces for handicapped individuals shall conform to the requirements of the Americans with Disabilities Act, as amended and in accordance with the Zoning Ordinance.
- L. A maintenance and operation schedule shall be provided for all parking areas.
- M. Off-street vehicular loading facilities shall be provided in accordance with the Zoning Ordinance
- N. All landscaping shall be provided in accordance with this Chapter and the Zoning Ordinance.

Section 416. Easements.

- A. Width and location. When easements are required for any utility serving a subdivision or land development, they must be a minimum of 30 feet wide per utility, centered over the proposed utility.
- B. Natural gas lines. All natural gas lines must be installed in compliance with the ASA Code B31, 80, 1958, as amended. The minimum distance from a natural gas line to a dwelling unit or other structure must be as required by the applicable transmission or distributing company.
- C. Petroleum lines. Between a proposed dwelling unit or other structure and the center line of a petroleum or petroleum products transmission line which may traverse the subdivision or land development, there must be a minimum distance of 100 feet measured in the shortest distance.

- D. All subdivisions and/or land development plans containing utility easements or rights-of-way shall include a note stating that:

"The owner shall not construct, plant, or maintain any structures, fences, trees, shrubbery, etc., within the sanitary sewer, stormwater or utility right-of-way easement in order to ensure a free and clear access to all facilities. Bituminous paving, commingling of sanitary sewer, stormwater or utilities, or a change in ground contours within the right-of-way easement will be permitted only with written consent of the Borough and utility owner."

Section 417. Monuments.

Sufficient monuments shall be set to ensure that reliable survey points are available for all parts of the subdivision. At least one (1) monument shall be placed for every two (2) lots or every two hundred (200) feet of streets, whichever requirement is less. The monument shall consist of a concrete monument, 4" X 4" X 30", set level with finished grade. All lot comers and changes in direction shall be identified with $\frac{3}{4}$ " diameter X 15" steel bars.

The top of the monument box shall be set at the finished grade upon completion of the grading of the street.

Section 418. Utilities.

All subdivisions shall be designed and serviced with adequate utilities, including electricity, natural gas, and telephone service. The developer shall be responsible to cooperate with the utility companies to insure installation of the necessary utilities. All utilities shall be underground, except where developments of five (5) lots or less are exempted by the Pennsylvania Public Utility Commission. Where required, the developer shall obtain a letter from the utility company confirming that service may be extended to the development.

Section 419. Stormwater.

All subdivision and land development plans shall conform with the Stormwater Management Ordinance, as amended. The design and construction of all developments must be coordinated with all existing stormwater management facilities that are necessary to serve the development, prevent flooding, conform to the most recent version of the Borough's Comprehensive Plan, and conform to all regulations or maps adopted in furtherance thereof.

Section 420. Landscaping, screening, and buffering.

Any required landscaping shall be designed and installed in accordance with this Chapter and the Zoning Ordinance, as amended.

- A. Protection of natural features. The finished topography of the site shall adequately facilitate the proposed development without excessive earthmoving and destruction of natural amenities. Natural features shall be preserved and incorporated into the final landscaping wherever possible and desirable. The applicant shall demonstrate the means whereby the natural features shall be protected during construction.

B. Street trees.

1. Street trees shall be provided along all street frontages, in accordance with the following criteria:
 - a) The street trees shall be nursery grown in a climate similar to that of the locality of the project. Varieties of trees shall be subject to the approval of the Borough and shall be in accordance with the List of Appropriate Trees for Specific Planting Conditions contained herein. The applicant is encouraged to be creative in selecting tree varieties and locations to achieve a pleasing appearance.
 - b) Street trees shall have a normal habit of growth and shall be sound, healthy, and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
 - c) All street trees shall have a minimum trunk caliper of two inches, measured at a height of six inches above finish grade.
 - d) Street trees planted within 10 feet of a curb, sidewalk, or non-curbed street shall have an appropriate root barrier installed of a type to be approved by the Borough Planning Commission.
 - e) The planting of any tree species other than those identified on the List of Appropriate Trees for Specific Planting Conditions shall be prohibited.
 - f) No street tree shall be planted less than 30 feet from an intersection of two streets, whether curbed or non-curbed, measured from the right-of-way line of the intersecting streets, or less than eight feet from a fire hydrant, sewer inlet, light standard, utility pole, or underground utility lines. These spacing restrictions may be modified at the discretion of the Borough Planning Commission.
 - g) Where trees are to be planted in existing pavement areas, a space of at least three feet by three feet, five feet by five feet preferred, shall be provided for each tree. Each tree shall be planted with a root barrier. The opening shall be level with the sidewalk and covered with an appropriate material (e.g., mulch or grating) to reduce the spread of weeds.
 - h) All planting shall be performed in conformance with good nursery and landscape practice.
 - i) Requirements for the measurements, branching, grading, quality, balling, and the burlapping of trees shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSIZ60, 1-1973, as amended.
 - j) Street trees shall be planted on a lot prior to the issuance of a certificate of use and occupancy by the Borough for the lot and any building or structure erected thereon.
2. List of Appropriate Trees for Specific Planting Conditions. Planting conditions shall be considered hierarchical. For example, if a tree is acceptable to plant within Condition A, it

shall also be acceptable for planting within Condition B or C. Consideration should be given for the creation of tree canopy within the Borough, and larger trees are preferred if conditions exist where they will thrive.

a) Condition A: small compact trees.

- 1) Planting strip is at least two feet wide and typically less than four feet wide.
- 2) Sidewalk openings shall be at least three feet by three feet.
- 3) Utility lines run overhead, between 25 and 45 feet aboveground.
- 4) Building facade setback is less than 10 feet from the center of the tree.

Common Name	Scientific Name	Variety
Canadian serviceberry	Amelanchier Canadensis	Autumn Sunset (single-trunk)
Canadian serviceberry	Amelanchier Canadensis	Cumulus (single-trunk)
Canadian serviceberry	Amelanchier Canadensis	White Pillar (single-trunk)
Allegheny serviceberry	Amelanchier laevis	Cumulus (single-trunk)
Serviceberry	Amelanchier x grandiflora	Autumn Brilliance (single-trunk)
Serviceberry	Amelanchier x grandiflora	Trazam (single-trunk)
Serviceberry	Amelanchier x grandiflora	Cole's Select (single-trunk)
Galaxy magnolia	Magnolia sp	Galaxy
Crabapple	Malus sp	Adirondack
Crabapple	Malus sp	Ballerina
Crabapple	Malus sp	Donald Wyman
Crabapple	Malus sp	Pink Dawn
Sargent cherry	Prunus sargentii	Columnaris
Japanese flowering cherry	Prunus serrulata	Amanogawa (single-trunk)
Japanese flowering cherry	Prunus serrulata	Accolade
Japanese flowering cherry	Prunus serrulata	Autumnalis
Japanese flowering cherry	Prunus serrulata	Kwanzan
Japanese flowering cherry	Prunus serrulata	Okame
Common chokeberry	Prunus virginiana	Schubert
Snow goose cherry	Prunus sp	Snow Goose

b) Condition B: medium-sized trees.

- 1) Planting strip is at least four feet wide or greater.

- 2) Sidewalk openings shall be at least four feet by four feet.
- 3) Utility lines are at least 45 feet aboveground or absent.
- 4) Building facade setback is 10 feet or greater from the center of the tree.

Common Name	Scientific Name	Variety
Hedge maple	Acer camestres	Evelyn
Hedge maple	Acer camestres	Miyabe
Red horsechestnut	Aesculus x carnea	Briotti
Red horsechestnut	Aesculus x carnea	Fort McNair
Heritage river birch	Betula nigra	Heritage (single-trunk)
Upright European hornbeam	Carpinus betulus	Fastigiata
American hornbeam, musclewood	Carpinus caroliniana	
Carolina silverbell	Halesia carolina	
Sweet magnolia	Magnolia virginiana	
Sourwood	Oxydendrum arboretum	
Hophornbeam	Ostrya virginiana	
Japanese tree lilac	Syringa reticulata	Ivory Silk

c) Condition C: large trees.

- 1) Planting strip is at least six feet wide or greater.
- 2) Holes cut in sidewalks should be at least six feet by six feet.
- 3) Utility lines are at least 45 feet aboveground or absent.
- 4) Lawns and pocket parks in which tree planting space is greater than 70 feet wide.
- 5) Municipal parks and school properties with ample open, unobstructed space to plant trees (planting space of at least 70 feet wide, preferably 100 feet wide).

Common Name	Scientific Name	Variety
Black maple	<i>Acer nigrum</i>	
Red maple	<i>Acer rubrum</i>	Armstrong
Red maple	<i>Acer rubrum</i>	Autumn Blaze
Red maple	<i>Acer rubrum</i>	October Glory
Red maple	<i>Acer rubrum</i>	Red Sunset
Sugar maple	<i>Acer saccharum</i>	Green Mountain
Sugar maple	<i>Acer saccharum</i>	Goldspire
American chestnut	<i>Castanea dentate</i>	Blight-resistant hybrids
Common hackberry	<i>Celtis occidentalis</i>	
Katsuratree	<i>Cercidiphyllum japonicum</i>	
Thornless honeylocust	<i>Gleditsia triacanthos var inermis</i>	Only thornless cultivars like Shademaster or Majestic
Kentucky coffeetree	<i>Gymnocladus dioicus</i>	
Tuliptree, yellow poplar	<i>Liriodendron tulipifera</i>	
Sweetgum	<i>Liquidambar styraciflua</i>	
Cucumber magnolia	<i>Magnolia acuminata</i>	
Dawn Redwood	<i>Metasequoia glyptotroboides</i>	
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	
London plane tree	<i>Platanus x acerifolia</i>	Bloodgood
American sycamore	<i>Platanus Occidentalis</i>	
White oak	<i>Quercus Alba</i>	
Swamp white oak	<i>Quercus bicolor</i>	
Scarlett oak	<i>Quercus coccinea</i>	
Northern pin oak	<i>Quercus ellipsoidalis</i>	
Shingle oak	<i>Quercus imbricaria</i>	
Bur oak	<i>Quercus macrocarpa</i>	
Pin oak	<i>Quercus palustris</i>	
Willow oak	<i>Quercus phellos</i>	
English oak	<i>Quercus robur</i>	Attention
English oak	<i>Quercus robur</i>	Skymaster
English oak	<i>Quercus robur</i>	Skyrocket
Red oak	<i>Quercus rubra</i>	

Shunard oak	Quercus shumardii	
American linden, basswood	Tilia americana	
Littleleaf linden	Tilia cordata	Corinthian
Littleleaf linden	Tilia cordata	Chancellor
American elm	Ulmus Americana	Only cultivars resistant to Dutch Elm Disease
Japanese zelkova	Zelkova serrata	Green Vase
Japanese zelkova	Zelkova serrata	Village Green

3. Invasive tree species. The following trees are considered invasive species by the Pennsylvania Department of Natural Resources and/or the U.S. Department of Transportation. These trees are not native to Pennsylvania and are known to spread uncontrollably into natural areas. Therefore, the planting of these trees is discouraged to protect the state's natural heritage and biodiversity:

Common Name	Scientific Name
Amur maple	Acer ginnala
Norway maple	Acer platanoides
Sycamore maple	Acer pseudoplatanus
Tree-of-heaven	Ailanthus altissima
Mimosa	Albizia julibrissin
Goldenrain tree	Koelreuteria paniculata
Melaleuca	Melaleuca quinquenervia
Chinaberry tree	Melia azedarach
Princess tree	Paulownia tomentosa
Callery pear	Pyrus calleryana
Chinese tallow tree	Sapium sebiferum
Siberian elm	Ulmus pumila

- C. Landscape materials. Trees and shrubs shall be typical of their species and variety and have normal growth habits, well-developed branches, and densely foliated, vigorous, and fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project. Any tree or shrub which dies shall be replaced. All landscaping and screening treatments shall be properly maintained.

Section 421. Lighting.

- A. Purpose. To require and set minimum standards for outdoor lighting to:
1. Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.
 2. Protect drivers and pedestrians from the glare of nonvehicular light sources.
 3. Protect neighbors and the night sky from nuisance glare and light trespass from improperly selected or poorly placed, aimed, applied, maintained or shielded light sources.
 4. Promote energy-efficient lighting design and operation.
 5. Protect and retain the intended visual character of the various venues of the Borough.
- B. Applicability.
1. Lighting shall be provided as required in accordance with the Zoning Ordinance, as amended.
 2. The Borough Council may require lighting be incorporated for other uses, applications and locations or may restrict lighting in any of the above uses or applications when health, safety and welfare are issues.
- C. Lighting requirements. The lighting requirements for all land development occurring within the Borough shall be in accordance with the following:
1. A community lighting system shall be installed in proposed land developments. Light posts shall be located along one side of the street and at all intersections in the development and shall be utilized to upgrade any existing intersections.
 2. All lighting fixtures shall be in accordance with the specifications adopted by the Borough.
- D. Plan submission. For subdivision and land development applications where site lighting is required by this chapter, is otherwise required by the Borough or is proposed by Applicant, lighting plans shall be submitted to the Borough for review and approval with preliminary and final subdivision/land development plan applications and shall contain the following:
1. A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type. The submission shall include, in addition to existing and proposed area lighting, all other exterior lighting, e.g., architectural, building entrance, landscape, flag, sign, etc.
 2. A ten-foot-by-ten-foot illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to zero footcandles, which demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in this chapter or as otherwise required by the Borough. When the scale of the plan, as judged by the Borough, makes a ten-foot by ten-foot grid plot illegible, larger grid spacing may be permitted.

3. The maintenance (light-loss) factors, IES candela file nomenclature, lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the presented illuminance levels.
 4. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.
 5. When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
 6. When requested by the Borough, Applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare and to retain the intended character of the Borough. This plan may require the inclusion of initial vertical footcandle values at specific off-site venues, e.g., bedroom windows of adjacent residential uses.
- E. Plan notes. The following notes shall appear on the lighting plan:
1. Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval.
 2. The Borough reserves the right to conduct post-installation inspections to verify compliance with the chapter requirements and approved lighting plan commitments, and if deemed appropriate by the Borough, to require remedial action at no expense to the Borough.
 3. All exterior lighting shall meet IESNA full-cutoff criteria unless otherwise approved by the Borough.
 4. Installer shall notify the Borough to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.
- F. Streetlighting dedication.
1. When streetlighting is to be dedicated to the Borough, the applicant shall be responsible for all costs involved in the lighting of streets and street intersections until the street is accepted for dedication.
 2. Prior to dedication and in the event of the formation of a homeowners' association and/or property management declaration, Borough shall require said agency to enter into an agreement guaranteeing the Borough payment of all costs associated with dedicated streetlighting.
- G. Assumption of costs of dedicated streetlighting. Upon dedication of public streets, the Borough shall assess the homeowners' association, individual property owners, or corporations, as may be necessary to collect all revenues required that are directly or indirectly associated with all costs of each specific streetlighting fixture. These costs shall include:
1. Administration.

2. Collection.
3. Pro-ration of non-payables.
4. Actual utility electrical charges.
5. Maintenance and maintenance contracts for maintenance of fixtures and associated equipment

Section 422. Park and open space provisions.

This section shall only apply to proposals that would result in the creation of new residential lots or dwelling units. It is the purpose of this section to implement the language contained in Section 503(11) of the most recent version of the MPC and thereby provide needed recreation/open space to accommodate growth. All park and open space proposals shall be submitted with the subdivision or land development application.

- A. Mandatory dedication.
 1. Any proposal that would result in the creation of one or more new residential lots or dwelling units shall be required to dedicate a minimum of 0.026 acre of park and/or open space per dwelling unit to the Borough prior to final plan approval.
 2. Deeds for transfer of dedicated land shall be executed and recorded:
 - a. After improvement of the land as required on the approved plan;
 - b. Prior to the transfer or occupancy of 50 percent of the lots within the development;
 - c. In accordance with the terms of any written agreement with the Borough; or
 - d. Within 60 days of notice issued by the Borough.
- B. As an alternative to dedication, and upon agreement with the Borough Council, the applicant may agree to provide any of the following:
 1. Construct and/or improve existing recreation facilities.
 2. Pay a fee-in-lieu of dedication.
 - a. Fees-in-lieu shall be paid prior to the approval of the final subdivision or land development plan. Where final plan phases are proposed, applicable fees shall accompany each phase of the plan.
 - b. The Borough shall not be required to execute the final plan until the fee-in-lieu of dedication has been paid.
 3. Guarantee the private reservation and maintenance of parkland or open space.
 4. Provide for any combination of the above.
- C. Any of the preceding alternatives must be at least equal to the predetermined Borough of Myerstown fee schedule or the pre-development fair market value of the open space which would have been otherwise required for dedication. Fair market value shall be submitted by the developer and determined by a member of the Appraisal Institute of the American Institute of Real Estate Appraisers (MAI) and shall include any documentation used to derive the site's fair market value.

Should the Borough dispute the appraised fair market value, it can require mandatory dedication of needed acreage.

D. Parkland and open space standards and criteria.

1. Recreation and open space shall be intended for public access, with amenities suitable for access, use, and maintenance.
2. Additions to adjacent existing or future park and recreation areas are a priority for land dedication.
3. Prior to plan approval, documentation shall be provided to the Borough Planning Commission verifying an agreement with the Borough to accept dedication of offered land. Absent an acceptance verification, fees-in-lieu of dedication shall be required.
4. Land suitable for recreation and open space use shall have minimal limitations or intrusions to detract from the intended use, with no more than 15 percent of the land area to contain easements, steep slopes, wetlands, stormwater facilities, and similar limiting features (unless such areas are vital to achieving trail and greenway initiatives of the most recent version of the Borough's Comprehensive Plan and/or Lebanon County Comprehensive Plan).
5. With the agreement of the Borough Planning Commission, credit toward land dedication or fee-in-lieu costs may be granted to the developers who propose and complete acceptable public recreation site improvements, facilities construction, or equipment installation at approved locations. Credit value shall be documented by the developer and be subject to review and approval of the value by the Borough Engineer.

Section 423. Wetlands.

All subdivision and land development plans shall identify the location of existing wetland as determined by the standards of either the United States Army Corps of Engineers, United States Environmental Protection Agency, Pennsylvania Department of Environmental Protection, or the United States Natural Resources Conservation Service. Wetland areas are not limited to those areas delineated on wetland maps prepared by the United States Fish and Wildlife Service. Any proposed encroachment into the wetland shall include a copy of the permit or approval from the applicable State and Federal agencies. No action by the municipality shall be relied upon in lieu of a permit issued by the appropriate agency.

Section 424. Notification to school district.

When 25 or more dwelling units are proposed, written evidence that the school district in which the project is located has been informed of the proposal.

PART 5 – Mobile/Manufactured Home Parks

Section 501. Grant of power.

The governing body of each municipality may regulate subdivisions and land development within the municipality by enacting a subdivision and land development ordinance. Provisions regulating mobile/manufactured home parks shall be set forth in separate and distinct articles of any subdivision and land development ordinance adopted pursuant to the "Pennsylvania Municipalities Planning Code" Act 247, as reenacted and amended, Article V, § 501,[1] as reenacted and amended.

Section 502. Purpose, authority, and jurisdiction.

The purpose, authority, and jurisdiction for land development as a mobile home park are the same as contained in Section 104 of this chapter.

Section 503. Plan requirements and processing procedures.

The plan requirements and processing for a manufactured/mobile home park as a land development shall be in accordance with the requirements contained in Part 3 of this chapter.

Section 504. Design standards and other plan requirements.

The arrangement and other design standards of streets, easements, blocks, lots, stormwater management, and erosion and sedimentation control shall be in accordance with the requirements of this chapter, except as otherwise specified in this section and/or the Zoning Ordinance.

A. Site location and design standards:

1. Layout of lots.

- a. All manufactured/mobile home lots shall abut a street. Side lots shall be laid out in rectangular blocks and shall be diagonal to the street at an angle no greater than 30° from perpendicular. Front and rear lot lines in rectangular blocks shall be straight and continuous.
- b. In cul-de-sac arrangements, the side lot lines shall be radial to the street lines.
- c. Corner lots for manufactured/mobile home use shall have the manufactured/mobile home situated to permit appropriate building setback from both streets and allow proper sight distance.

2. Building setback lines. All mobile homes and associated accessory structures shall be located at least 50 feet from any park property boundary line abutting upon a public street or highway right-of-way, 25 feet from any property line, and at least 25 feet from rear park property boundary lines.

B. Screening shall be provided in accordance with the Zoning Ordinance

- C. All mobile homes shall be separated from other mobile homes by a minimum distance of 25 feet in all directions. All covered porches, decks, and accessory structures shall be separated from other mobile homes, other covered porches, decks, and accessory structures by a minimum distance of 10 feet in all directions.
- D. An enclosure of compatible design and materials shall be erected around the base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- E. The area of the mobile home spaces shall be improved to provide an adequate foundation for the placement of the mobile home. The mobile home space shall be designed so as not to heave, shift, or settle unevenly under the weight of the mobile home and frost action, inadequate drainage, vibration, or other forces acting on the structure.
- F. Each space shall have adequate anchoring and/or tie-downs to prevent the mobile home from being upset or shifted on the space by high winds or earthquake.
- G. Mobile home park street system.
 - 1. A safe and convenient vehicular access shall be provided from abutting public streets or roads. Unless accepted by the Borough, streets within the manufactured/mobile home park shall be privately owned.
 - 2. Location principles. The streets or roads in a manufactured/mobile home park shall be located and built with regard to:
 - a. Provide for convenient access to each manufactured/mobile home lot and other important facilities in the park.
 - b. Recognizing and preserving existing easements.
 - c. Permitting connection to existing facilities where necessary for the proper functioning of drainage and utility systems.
 - 3. Circulation. The street system should provide convenient circulation by means of minor streets and properly located collector streets. The following standards should also be applied to manufactured/mobile home park street systems:
 - a. Dead-end streets shall be constructed as cul-de-sac streets in accordance with the requirements of this chapter.
 - b. Interior streets shall so be laid out in a manner, which will reduce or eliminate through use by through traffic.
 - c. The manufactured/mobile home park shall be provided with a minimum of two means of ingress and egress. Each entrance shall be provided with adequate sight distance and clear sight triangles in accordance with Part 4 of this chapter.
 - d. Where a manufactured/mobile home park abuts or contains an existing or proposed arterial street, the Borough Council may require marginal access streets, reverse frontage with

screen planting along the rear property line, or such other treatment as may be necessary to afford separation of through and local traffic.

- e. All aspects of street and right-of-way (where applicable) design, layout, grading, construction, and surfacing shall be in accordance with the public street standards set forth in Part 4 of this chapter.
- H. Blocks. The size and shape of blocks shall be determined with regard to:
 - 1. Need for convenient access, automotive and pedestrian movement.
 - 2. Providing desirable lot depths for interior walkways and easements for utilities to be located within the block.
 - 3. Providing desirable lot depths for interior walkways and easements for utilities to be located within the block.
 - 4. Pedestrian paths should be designed within blocks to permit convenient access to other areas of the manufactured/mobile home park.
- I. Sidewalks. As mobile home parks constitute residential developments, sidewalks shall be provided in accordance with the requirements of Section 409 of this chapter to assist in the safe and convenient circulation of pedestrian traffic. For all such required sidewalks, the sidewalk shall have a width of five feet, and shall be separated from the street by a grass strip having a width of four feet.
- J. Easements. Easements shall be provided for all utilities not located in a street and for well-defined watercourses as required by Part 416 of this chapter.
- K. Mailboxes. The owner shall provide and maintain a central location(s) for mailboxes for persons living within the park.
- L. Off-street parking requirements:
 - 1. Each mobile home/manufactured home shall have paved off-street parking areas. Parking shall be provided at the rate of at least two vehicular parking spaces for each mobile home/manufactured home lot.
 - 2. In addition to the above, visitor parking shall be provided at the rate of one parking space per mobile home unit. Visitor parking shall be provided within the same parcel as the mobile home park, and shall be arranged, constructed, and served by access drives in accordance with the requirements of Part 415.
 - 3. Each off-street parking space shall be of a size and arrangement consistent with the requirements of the Zoning Ordinance.

Section 505. Solid waste disposal.

- A. The applicant shall provide information to the Borough regarding the treatment and disposal of solid waste and garbage related to the manufactured/mobile home park.
- B. All solid waste storage facilities shall be located in areas conveniently located to park residents.

- C. Collection stations shall be constructed, screened, and landscaped adequately, in accordance with the applicable requirements of the Zoning Ordinance.
- D. Collection stations shall be so constructed as to prevent the escape of refuse by wind, water or other natural elements and prevent animals, rodents, etc., from entering.

Section 506. Park and recreation facilities.

- A. General. All manufactured/mobile home park land development plans submitted after the effective date of this chapter shall provide for suitable and adequate recreation for children and residents of the manufactured/mobile home park in order to:
 - 1. Ensure adequate recreational areas and facilities to serve the future residents of the Borough;
 - 2. Reduce increasing usage pressure on existing recreational facilities and areas; and
 - 3. Ensure that all present and future residents have the opportunity to engage in many and varied recreational pursuits.
- B. Required open space area:
 - 1. All mobile home parks shall provide suitable areas for open space in an amount equal to or greater than 20 percent of the total land area of the mobile home park. A minimum of 1/2 of this area shall be contiguous and located in one place. The remainder may be used to provide small open areas and/or pedestrian corridors linking open space areas to one another and to streets and sidewalks.
 - 2. The Borough Council shall consider the following criteria in determining whether to approve the proposed location of recreation areas in the applicant's subdivision or land development plans:
 - a. Sites should be easily and safely accessible from all areas of the manufactured/mobile home park, have good ingress and egress and have access to the park road system.
 - b. Site or sites should have suitable topography and soil conditions for use and development as a recreation area.
 - c. Site or sites should meet minimum size requirements for usable acreage with respect to the National Recreation and Parks Association standards, with 75 percent of such area having a maximum slope of 7 percent.
 - d. Fee in lieu of private reservation of recreation land. A fee in lieu of may be furnished in accordance with Part 422 of this chapter.

Section 507. Improvement and construction standard.

- A. General. All improvements, construction requirements, and engineering specifications for the improvements required shall be provided in accordance with Part 4 of this chapter.
- B. Streetlights. Street or on-site lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Their type and location shall be in

conformance with § 480-34 and shall be shown on the lighting plan submitted with the final subdivision or land development plan.

- C. Underground utilities. Electric, telephone and all other utilities shall be installed underground.

Section 508. Responsibilities of park management.

- A. The person to whom a permit for a manufactured/mobile home park is issued shall operate the park in compliance with all municipal ordinances and this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The park management shall supervise the placement of each mobile home on its manufactured/mobile home stand, which includes securing its stability and installing all utility connections.
- C. The park management shall give the Zoning Officer free access to all manufactured/mobile home lots, service buildings and other community service facilities for the purpose of inspection.
- D. The management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

Section 509. Manufactured/mobile home placement and removal.

- A. A building permit is required prior to the installation or removal of a manufactured/mobile home within the park.
- B. It shall be unlawful for the owner, tenant or custodian of a manufactured/mobile home to remove or attempt to remove from Myerstown Borough a manufactured/mobile home without first obtaining a removal permit from Myerstown Borough.

PART 6 – Improvement Guarantees

Section 601. General Provisions.

- A. No project shall be considered in compliance with this chapter until the streets, street signs, sidewalks, curbs, survey monuments, landscaping required by this chapter, storm drainage for dedication or which affects adjacent properties or streets, sanitary sewer facilities for multiple use, water supply facilities for multiple use, fire hydrants, and other such improvements required by this chapter have been installed in accordance with this chapter and other applicable Borough ordinances.
- B. When sanitary sewer and water supply facilities are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- C. No final plan shall be signed by the Borough Council for recording in the office of the Lebanon County Recorder of Deeds unless a financial security in accordance with § 602 is accepted by the Borough Council and Borough Council has received confirmation that the public utility or municipal authority has been provided with financial security, if applicable, and/or the improvements required by this chapter have been installed.

Section 602. Financial Security.

The administration of the financial security shall comply with the provisions of this article, the most recent version of the MPC, and other applicable laws of the Commonwealth.

- A. Submission of financial security. Final plan applications which include required improvements that have not been installed shall include a financial security and memorandum of understanding.
 - 1. Type of financial security. Financial security must comply with the following and is subject to review by the Borough Solicitor and Borough Council for adequacy.
 - a. Irrevocable letter of credit. A letter provided by the developer from a federally chartered financial institution.
 - b. Escrow account. A deposit of cash either with the Borough or in escrow with a federally chartered financial institution.
 - 2. General contents. The terms of any financial security documents shall be acceptable to the Borough Solicitor. In addition to other information required by the Borough, financial securities shall include the following:
 - a. The amount of secured funds.
 - b. In case of failure on the part of the developer to complete the specified improvements within a time period specified in a written agreement, the funds shall be paid to the Borough

immediately and without further action, upon presentation of a signed draft in an amount necessary to finance the completion of those improvements, up to the limit of the security.

- c. The security is irrevocable and may not be withdrawn or reduced in amount by other than the Borough until released or partially released by the Borough.
3. Amount of financial security.
 - a. The amount of financial security 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. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date schedule for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110 percent. Any additional security shall be posted by the developer in accordance with this chapter.
 - b. The amount of financial security required shall be based upon an estimate of the cost of completion (including quantities and unit cost) of the required improvements, submitted by a developer and prepared and certified by an engineer to be a fair and reasonable estimate of such cost. The Borough Council, upon recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough Council are unable to agree on an estimate, then the estimate shall be recalculated and rectified by another professional engineer licensed and registered as such in the commonwealth and chosen mutually by the Borough Council and the applicant or developer. The estimate certified by the third shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
 - c. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10 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.
 - B. Release of financial security.
 1. When all or part of the financially secured improvements are completed, the developer may notify the Borough Council and request a release of the financial security. Requests for a reduction of a portion of the financial security shall be limited to an amount that is at least a

minimum 20 percent of the original total financial security, unless a smaller percentage equals at least \$100,000.

2. All requests for release of financial security shall be in writing, by certified or registered mail to the Borough Council, at the Borough Municipal Center, and a copy thereof shall be sent to the Borough Engineer. This notice shall include the as-built plan in accordance with §607.
 3. After receipt of notice for release of financial security, the Borough Council shall, within 10 days, authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, within 30 days of authorization, file a written report with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, are not approved by the Borough Engineer, said report shall contain a statement of reasons for such rejection.
 4. The Borough Council shall notify the developer, within 15 days of receipt of the Borough Engineer's report, in writing, by certified or registered mail, of the action of the Borough Council with relation thereto.
 5. If any portion of said improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
 6. A portion of the financial security may be retained as a maintenance guarantee in accordance with § 605.
- C. Other remedies. If proceeds of the financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install all or part of such improvements and may institute appropriate legal or equitable action to recover the funds necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.

Section 603. Installation of public improvements in conjunction with conditional final plan approval.

The procedure is available for the installation of required improvements in lieu of placing financial security with the Borough.

- A. Authorization for construction. The applicant may receive approval to construct only the improvements required as part of this chapter upon receipt of conditional final plan approval with the only outstanding condition being the guarantee of public improvements, the memorandum of understanding and approvals/permits from other agencies with jurisdiction grants the authority to install. Required improvements are limited to streets, street signs, sidewalks, curbs, landscaping required by this chapter, storm drainage for dedication or which affects adjacent properties or

streets, sanitary sewer facilities for multiple use, water supply facilities for multiple use, fire hydrants, survey monuments and other such public improvements.

B. Completion of public improvements.

1. When all or part of the required improvements are complete, the developer shall notify the Borough Council. Notification of completion of a portion of the required improvements is only necessary should the developer elect to financially secure the remaining improvements in accordance with §602.
2. Notification of completion of improvements shall be in writing, by certified or registered mail, and a copy thereof shall be sent to the Borough Engineer. This notice shall include the as-built plan in accordance with § 607.
3. After receipt of notice that improvements are completed, the Borough Council shall, within 10 days, authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, within 30 days of authorization, file a report, in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, are not approved by the Borough Engineer, said report shall contain a statement of reasons for such rejection.
4. The Borough Council shall notify the developer, within 15 days of receipt of the Borough Engineer's report, in writing, by certified or registered mail, of the action of the Borough Council with relation thereto.
5. If any portion of said improvements shall not be approved by the Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
6. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Borough Council or the Borough Engineer.

Section 604. Dedication of improvements.

All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by the Borough Council. No responsibility of any kind with respect to improvements shown on the plan shall be transferred until the improvements have been formally accepted. All requests for dedication shall be made in accordance with Borough rules and regulations, shall include all information required by the Borough for processing such a request, and shall be accompanied by any required filing fee.

Section 605. Maintenance guarantee.

The Borough Council may, at its discretion, require the developer to submit a maintenance guarantee or other approved guarantee as specified herein, guaranteeing the structural integrity as well as function of any improvement shown on the final plan for a term not to exceed 18 months from the date of acceptance of dedication by the Borough Council. Said guarantee shall be 15 percent of the actual cost of installation of said improvements and be of the same type of financial security as required in this article.

Section 606. Inspection of improvement during construction.

Inspections shall be required prior to the start of construction, during installation of materials and structures, and upon the completion of all improvements. Prior to the initiation of construction, the developer shall arrange a pre-construction meeting with the Borough Engineer or designee so that an inspection schedule can be coordinated with the construction schedule. The Borough Engineer or designee shall be notified two working days in advance of any intended date of construction. The provisions stated herein shall not be construed as mandating periodic inspections, and the undertaking of periodic inspections shall not be construed as an acceptance of the work during construction or as a final inspection of the construction. The Borough, at the expense of the developer, reserves the right for the Borough Engineer to require drawing detail or shop drawing, and/or tests by an approved testing facility to determine whether the improvement complies in all respects with the requirements of the Borough. A specific schedule and procedure for information will be established for each project. The following is intended to describe the format of inspections:

- A. Subsoil system: inspection and testing to determine subsoil compaction to required density, and inspection of subsoil elevation to insure grade and profile compatibility.
- B. Subgrade structure: inspection and testing of subgrade type and required density.
- C. Underground utilities and storm drainage system: inspection and testing of pipe installation, including service laterals, inlets, manholes, endwalls, and bridges prior to backfilling. Air testing of water distribution system to required standards.
- D. Concrete curb structure: inspection prior to installation of string line to show type of curb, grade, and alignment. Material inspection, including the submittal of all certified material delivery slips.
- E. Street subbase course: inspection of materials placed as subbase prior to installation of base course, including the submittal of all certified material delivery slips.
- F. Street base course: inspection of materials placed as base, including the submittal of all certified material weight slips.
- G. Street wearing course structure: inspection of materials placed as wearing surface, including the submittal of all certified material weight slips.
- H. Sidewalk structures: inspection of subbase grade and form grade and alignment prior to any pour.
- I. Right-of-way profile: inspection of required finish grade elevations to limits of street right-of-way.

- J. Storm drainage easement structures: inspection of required finish grade elevations, alignments and profiles to limits of easement.
- K. Seeding, sodding and erosion controls: inspection as required to assure compliance with storm drainage regulations.

Section 607. As-built plan.

- A. After final plan approval, upon the completion of all required improvements and prior to final inspection of improvements, the applicant shall submit a plan labeled "as-built plan" prepared by a professional engineer or professional land surveyor. This plan shall indicate that the constructed improvements are in conformance with the previously approved drawings and specifications and shall also note any and all deviations from the previously approved drawings and specifications. The plans, if prepared electronically shall be so developed to be transmittable in an AUTOCAD format compatible with the Borough GIS system and PDF format. Also, two Mylar copies of the as-built plan shall be filed with the Borough.
- B. The as-built plan shall be drawn to the same scale as the final plan, certified by the designer of the plan, and approved by the Borough Engineer. This plan shall indicate the actual location, dimensions, and/or elevations of all completed improvements, including, but not limited to:
 - 1. Concrete monuments and other survey markers.
 - 2. The edge of the cartway and top of the curb for both sides of each street.
 - 3. Sanitary sewer mains, manholes and laterals (manhole inlet, outlet and top elevations).
 - 4. Storm sewers, inlets and culverts.
 - 5. Water mains, valves, fire hydrants and appurtenances.
 - 6. Streetlights.
 - 7. Landscaping and screen planting.
 - 8. Permanent sedimentation, erosion control and stormwater management structures.
 - 9. All easements.

PART 7 – ADMINISTRATION, FEES AND PENALTIES

Section 701. Intent.

This subdivision and land development ordinance shall be considered to set forth the minimum requirements for the protection of the public health, safety, comfort, property or general welfare, pursuant to the authority of the Pennsylvania Municipalities Planning Code, Act Number 247, 1968 sessions, as amended, or such statutes hereinafter in effect, and shall be construed most favorably to the Borough as encouraging standards of planning and development exceeding these basic and minimum regulations.

Section 702. Administration and Enforcement.

- A. The Borough Council shall have the duty and authority for the administration and general enforcement of the provisions of this chapter, as specified or implied herein.
- B. Officials of the Borough having regulatory duties and authorities connected with or appurtenant to the subdivision, use, or development of land shall have the duties and authorities for the controlling enforcement of the provisions of this chapter, as specified or implied herein or in other ordinances of the Borough.
- C. Permits required by the Borough, for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of, the land, shall not be issued by any Borough official responsible for such issuance until he or she has ascertained that the site for such building, alteration, improvement or use is located in a subdivision approved and publicly recorded in accordance with the provisions of this chapter regulating the subdivision and development of land.
- D. Also, such permits shall be issued only after it has been determined that the site for such building alteration, improvement or use conforms to the site description indicated by the approved and recorded final plan or other land description acceptable in accordance with the provisions of this chapter, and that it is in compliance with all applicable provisions of this chapter.
- E. If the building permit is issued erroneously or prior to proper approval, it is void.
- F. The Sewage Enforcement Officer shall require that applications for sewage disposal system permits contain all the information to ascertain that the site for the proposed system is acceptable in accordance with the provisions of this chapter, and the Rules and Regulations of PA DEP and any requirement of the Borough pertaining to the issuance of such permit.

Section 703. Modifications.

The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety and welfare of the residents and inhabitants of the Borough. The Borough Council may grant a modification of the requirements of one or more provisions of this Ordinance if the Borough Council concludes that the literal enforcement will exact undue hardship because of peculiar conditions pertaining to

the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

- A. All requests for a modification shall be in writing to the Borough Council and shall accompany and be part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.
- B. The Borough Planning Commission shall have the right to recommend to the Borough Council modifications to the regulations in individual cases as may be necessary in the public interest, provided, however, that such modifications shall not have the effect of nullifying the intent and purpose of these regulations. The list of suggested modifications and the specific reasons for such change shall be entered in the minutes of the Planning Commission and a copy of this entry shall be transmitted to the Borough Council. The Borough Council may then alter the land development plans and specify changes of modifications therein, which it deems necessary and may make its approval subject to such alterations, changes or modifications. Upon approval by the Borough Council, said modifications shall be clearly defined and entered on the final plan and signed by the Borough Council.

Section 704. Appeals.

Any person aggrieved by a finding, decision, or recommendation of the Borough Council with respect to the approval or disapproval of a plan or modification request may appeal the decision as provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Section 705. Schedule of Fees.

Each subdivision or land development plan application shall be accompanied by the required review fees, as established by resolution of Borough Council. Fees shall be payable at the time of plan submission and plan processing, approval, and recording shall not be completed until all required fees are paid.

Section 706. Violations and penalties.

Any person, partnership, or corporation, or the members of such partnership or the officers of such corporation, who or which, being the owner or agent of the owner of any lot, tract or parcel of land shall: lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon; or, sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or otherwise; or, erect any building or buildings which constitute a land development thereon; or, commence site grading or construction of improvements prior to recording of a final plan unless such grading or construction is for the sole purpose of installing improvements as prescribed in Part 4 herein unless and until a final plan has been prepared in full compliance with the provisions of this chapter and has been recorded as

provided herein; or, fail to comply with any condition imposed upon approval of a preliminary or a final plan or any condition imposed upon the granting of a modification; or, fail to comply with any agreement with the Borough relating to development in accordance with a preliminary plan or a final plan; or, fail to comply with any note included on an approved preliminary plan or final plan; commits a violation of this chapter.

A. Enforcement remedies.

1. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fee collected for the violation of this chapter shall be paid over to the Borough.
2. The Borough Council may initiate and maintain civil action to obtain a writ of injunction against the owner or agency who is in violation of any provision of this chapter or who attempts the improper sale of conveyances of land and in proper cases to set aside and invalidate any conveyances or agreements to convey land made prior to final plan approval of any subdivision or land development.
3. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or land development of real property in violation of this chapter. The authority to deny such permit or approval shall apply to any of the following applicants:
 - a. The owner of record at the time of such violation.
 - b. The vendee or lessee of the owner of record at the time of such violation without regard to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - c. The current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual constructive knowledge of the violation.

4. As an additional condition for the issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real estate.
 - a. Nothing contained in this section shall be construed or interpreted to grant any person or entity other than the Borough the right to commence any action at law and/or at equity for enforcement pursuant to this section.

Section 707. Amendments.

Amendments to this Ordinance may be initiated by the Planning Commission or the Borough Council. If the amendments are initiated by the Borough Council, the proposed amendment or amendments shall be submitted to the Planning Commission for review and comment at least thirty (30) days prior to a public hearing. Before enactment of a proposed amendment or amendments the Council shall hold a public hearing thereon pursuant to public notice, in accordance with the PA Municipalities Planning Code.

Section 708. Appeals.

Any person aggrieved by a finding, decision, or recommendation of the Borough Council with respect to the approval or disapproval of a plan or modification request may appeal the decision as provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

Section 709. Interpretation.

The provisions of this chapter shall be held to be minimum requirements to meet the purposes of this chapter. When provisions of this chapter impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this chapter shall prevail. When provisions of any statute, other ordinance or regulations impose greater restrictions than those of this chapter, the provisions of such statute, ordinance or regulation shall prevail.

Section 710. Severability.

Should any section, subsection or provision of this chapter be declared by a court of competent jurisdiction to be invalid, such decisions shall not affect the validity of this chapter as a whole, or of any other part thereof.

Section 711. Conflicts.

If a discrepancy exists between any regulations contained within this chapter, that regulation which imposes the greater restriction shall apply.

Section 712. Repealer.

Any other ordinance provision(s) or regulation of Borough of Myerstown inconsistent with any of the provisions of this ordinance is hereby repealed to the extent of the inconsistency only.