

2011

New Freedom Borough York County, PA

DRAFT
Subdivision and Land
Development Ordinance

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Buchart Horn, Inc.
The Russell E. Horn Building

Dennis J. Gehringer
Land Use Planning Consultant
2578 Woodview Drive
Lancaster, PA 17601
Tel. (717) 560-2022

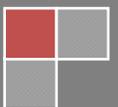


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Background Provisions

Section 101 Short Title

This Ordinance shall be known, and may be cited as, the “New Freedom Borough Subdivision and Land Development Ordinance of 2012”.

Section 102 Purpose

The purpose of this Subdivision and Land Development Ordinance is to regulate and control the subdivision and development of land within New Freedom Borough, so as to provide sites suitable for human habitation, commercial and industrial operations, and other uses for which land may be developed, thereby creating conditions favorable to the health, safety and welfare of the community and consistent with the goals of the Comprehensive Plan of New Freedom Borough

Section 103 Enabling Authority

The Borough Council of New Freedom Borough, York County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as enacted and amended, hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of the Borough.

Section 104 Scope

- 104.A.** This Ordinance shall apply to all subdivision and land development plans for tracts of land located, in whole or in part, in New Freedom Borough regardless of whether development actually occurs within the Borough.
- 104.B.** Where a developer and any subsequent landowner has substantially completed the required improvements in accordance with the approved plan but have failed to complete any aspects of the approved development in accordance with the terms of such approval within five (5) years of such approval or any extension of time as many be granted by the Borough Council; the developer and any subsequent landowner shall be subject to all changes in governing ordinances enacted sequent to the date of filing the preliminary plan provided that such governing ordinances do not preclude the developer from building in strict accordance with the approved plan.
- 104.C.** This Ordinance shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of previous subdivision and land development ordinances, on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance, nor shall any provisions of this Ordinance be construed to waive the obligations imposed upon an applicant to complete a previously approved Preliminary or Final Plan, including the installation of all required improvements, in strict compliance with the requirements of the effective Subdivision and Land Development Ordinance.
- 104.D.** No street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith, shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings thereon, unless and until authorized by this Ordinance.
- 104.E.** No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or land development may be issued, and no building may be erected or altered in a

subdivision or land development, unless and until a Final Subdivision or Land Development Plan has been approved by the Borough Council and the developer complies with Section 401.D.

104.F. This Ordinance does not impose any requirements upon subdivision or land development plans for which the Borough is the applicant.

Section 105 Other Borough Ordinances, Regulations and Requirements

All subdivision and land development plan applications are subject to the prevailing Borough Zoning Ordinance, and all other applicable ordinances, regulations and requirements of the Borough.

Section 106 Conflicts

Whenever there is a conflict between a requirement of this Ordinance and other applicable ordinances, the more stringent requirement shall apply.

Section 107 Administration and Enforcement

The Borough Council shall be responsible for the administration of this Ordinance. Unless otherwise provided herein, the Borough Council hereby designates the Planning Commission as the body to provide reviews and make recommendations concerning all applications filed under this Ordinance. Primary administration and enforcement responsibility under this Ordinance shall be with an authorized Borough official.

Section 108 Definitions

108.A. Word Usage - Words and phrases shall be presumed to be used in their ordinary context, unless otherwise defined herein or interpreted in accordance with Section 108.B. Defined terms shall be interpreted in accordance with their definition unless the context clearly indicates otherwise.

108.B. Language Interpretation - In this Ordinance:

1. Words in the present tense imply also the future tense.
2. The singular includes the plural.
3. The male gender includes the female gender.
4. The term "person" includes an individual, partnership, corporation, unincorporated association, estate, or any other legally recognized entity.
5. The terms "shall", "must", or "will" are always mandatory.

108.C. Specific Terms - The following words and phrases shall be defined as follows:

AASHTO - American Association of State Highway and Transportation Officials

ACCESS DRIVE - Access drives are private drives which provides vehicular movement between a street and a tract of land containing any use other than one (1) single-family dwelling unit or farm

ACT 167 - Act of October 4, 1978, P.L.864, (Act 167), as amended, and known as the "Stormwater Management Act".

ABUT - To touch or join at the edge or border; to border on; or to end at.

ACCESSORY DWELLING UNIT (IN-LAW QUARTERS) – An accessory dwelling unit is a dwelling unit added to, or created within, a single family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation as defined and regulated in the Zoning Ordinance..

AGRICULTURAL ACTIVITY - Activities associated with agriculture such as, but not limited to, agricultural cultivation, agricultural operations, and animal heavy use areas. This includes the work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an agricultural activity.

AGENT - Any person other than the developer, who, acting for the developer, submits subdivision and/or land development plans to the Borough for the purpose of obtaining approval thereof and authorized to make representations.

ALLEY - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties..

APPLICANT - A person having interest in land or standing to submit an application for development pursuant to this Ordinance.

APPLICATION - Every submission required to be filed and approved prior to start of construction or development for the approval of a subdivision plan, or land development plan. The term application shall be all encompassing and include the plans and all supportive data and studies. The following are the types of applications authorized by this Ordinance:

1. **Accessory Dwelling Unit (In-Law Quarters) Application**: An application specifically for a limited type of housing as defined and regulated in the Zoning Ordinance;
2. **Final Plan Application**: An application prepared for official recording as required by statute to define property rights, and depict required improvements;
3. **Lot Line Adjustment Plan Application**: An application having as its sole purpose the addition of a parcel of land to an abutting lot with no additional lot being created;
4. **Preliminary/Final Plan Application**: An application representing the combined submission of a preliminary plan and final plan;
5. **Preliminary Plan Application**: An application which, when approved, authorizes the construction of required improvements and sets the parameters of a final plan;
6. **Revised Final Plan**: An application for the correction of an obvious error or a minor alteration in a previously-approved application; and
7. **Sketch Plan Application**: An application submitted for informal review and comment by the Borough to which no rights attach.

BEST MANAGEMENT PRACTICE (BMP) - Activities, facilities, designs, measures, 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: "structural" or "nonstructural." In this Ordinance, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants

with stormwater runoff whereas structural BMPs or measures are those 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 retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, 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.

BMP MANUAL - Pennsylvania Stormwater Best Management Practices Manual, as amended and updated.

BOROUGH - New Freedom Borough.

BOROUGH COUNCIL - The governing body of New Freedom Borough, York County, Pennsylvania.

BOROUGH ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for New Freedom Borough.

BOROUGH SOLICITOR - The attorney firm appointed by the Borough Council or duly authorized by the Borough Council.

CARTWAY - The paved surface of a street or access drive that is available for use by vehicular traffic.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection defined by a line of sight between points at center lines.

COMMON AMENITIES - Certain additions, alterations or modifications constructed or made to, upon or in connection with realty as required by an approved subdivision plan or approved land development plan and which are not intended to be offered dedication to the Borough or its authorities. See definitions for improvements and required improvement.

COMMON OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public. Common open spaces shall not include areas devoted to driveways, access drives, parking lots, street rights-of-way, required setbacks and/or private yards contained on an individual lot of a principal residence. Typically storm water management facilities shall not be counted as common open spaces unless, with Borough approval, such facilities are designed and constructed as wet ponds or shallow basins that incorporate natural features, landscaping, recreational uses or other, similar qualities. With Borough approval, common open space can include golf courses and parklands subject to the requirements of the Zoning Ordinance.

COMMUNITY SEWAGE DISPOSAL SYSTEM - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by multiple principal uses that is not proposed to be owned and/ or operated by New Freedom Borough or its Authority. All community sewage disposal systems shall be approved and permitted by the Pennsylvania Department of Environmental Protection and be in accordance with the Borough Act 537 Plan (Official Sewage Plan).

COMMUNITY WATER SYSTEM - A system of source, treatment, storage and/or distribution of domestic water supply to multiple principal uses that is not owned and/or operated by New Freedom Borough or its Authority, including their successors.

COMPREHENSIVE PLAN - The latest adopted version of the New Freedom Borough Comprehensive Plan, including any freestanding supplemental documents, as may be amended.

CONDITIONAL USE - A use that is appropriate to a particular zone in accordance with the Zoning Ordinance.

CONDOMINIUM - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended, are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONSERVATION DISTRICT - The York County Conservation District, which District is as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.

CONSULTANT - All professional consultants, other experts, attorneys and independent contractors retained by the Borough to provide professional or expert advice or services to the Borough in connection with the review and comment on the developer's application or the construction, observation, inspection, review and/or approval of the required improvements contemplated by the developer's plan.

COUNTY – The County of York, Pennsylvania.

COUNTY PLANNING COMMISSION - The York County Planning Commission.

CURB - The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

CURB LINE - The outside edge of the cartway.

DAM - An impoundment structure regulated by the Pennsylvania DEP Chapter 105 regulations.

DEDICATION - The deliberate assignment of land or interest in land by its owner to a public entity.

DEED - A written instrument whereby an estate in real property is conveyed.

DESIGN STORM - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence, e.g., a 5-year storm, and duration, e.g., 24 hours, used in the design and evaluation of stormwater management systems. Also see Return Period.

DETENTION BASIN - A reservoir/containment which temporarily contains storm water runoff and releases it gradually into a watercourse or storm water drainage system.

DETENTION VOLUME - The volume of runoff that is captured and released into the waters of this Commonwealth at a controlled rate.

DEVELOPER - An applicant or any person who acquires the rights and obligations of the applicant in the plan.

DISTURBED AREA - An unstabilized land area where an earth disturbance activity is occurring or has occurred.

DRIVEWAY - An improved cartway designed and constructed to accommodate vehicular movement between a public street and a tract of land serving one single-family dwelling unit or a farm.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy but not including hospitals, nursing homes, hotels, motel, boarding, rooming and lodging

houses, institutional houses, tourists courts, and the like, all offering overnight accommodations for guests or patients.

DWELLING UNIT - A building or portion thereof arranged or designed for occupancy by not more than one family and having separate cooking and sanitary facilities.

EARTH DISTURBANCE ACTIVITY - A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

EASEMENT - A property right granted for limited use of private land for a public or quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

ELEVATION - The average ground level at all corners of a structure, storage area, sign or other improvement.

ENGINEER - A professional engineer registered as such in the Commonwealth of Pennsylvania.

EROSION - The process by which soil particles are detached and transported by action of natural forces.

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

FARM - A parcel of land which is used in the raising of agricultural products, livestock, poultry, or or dairy products, including necessary farm structures within the prescribed limits and the storage of equipment customarily incidental to the primary use. For the purpose of this Ordinance, a farm shall not include kennels.

FEMA - Federal Emergency Management Agency.

FLOODPLAIN - An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

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.

FRONTAGE - The line of a lot coincident with an abutting right-of-way line of a street that can be used for vehicular access to the site.

FOREST MANAGEMENT/TIMBER OPERATIONS - Planning and activities necessary for the management of forest land. 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.

GRADE - A measurement of slope expressed in terms of percentage of vertical distance versus horizontal distance.

HYDROLOGIC SOIL GROUP (HSG) - Infiltration rates of soils vary widely and are affected by

subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS 3,4).

IMPERVIOUS SURFACE (IMPERVIOUS AREA) - A surface that prevents the infiltration of water into the ground. Impervious surfaces and areas shall include, but not be limited to, roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets and sidewalks. However, any surface or area designed, constructed and maintained to permit infiltration as specified herein shall be considered pervious, not impervious. For the purposes of this Ordinance, a surface or area shall not be considered impervious if such surface or area does not diminish the capacity for infiltration of stormwater for storms up to, and including, a two (2)-year 24-hour storm event.

IMPROVEMENTS - All additions, alterations or modifications constructed or made to, upon or in connection with realty as required by an approved land development plan or approved subdivision plan and which are intended to be offered dedication to the Borough or its authorities. See definitions for common amenities and required improvements.

INFILTRATION - The entrance of surface water into the soil, usually at the soil-air interface.

IWRP - The York County Integrated Water Resources Plan, which Plan includes Act 167 Plan elements and requirements.

LAND DEVELOPMENT - Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - a. A group of two (2) 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 (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
2. A subdivision of land.
3. The following activities are excluded from this term:
 - a. The conversion of an existing building into not more than two (2) residential units, unless such units are intended to be a condominium.
 - b. The addition of an accessory building / use, including farm buildings, on a lot or lots subordinate to an existing principal residence or farm.
 - c. The addition or conversion of buildings or rides within the confines of an amusement park. This exclusion shall not apply to newly-proposed or newly-acquired areas of an existing amusement park, until the initial land development plans for such parks or areas have been approved pursuant to the terms of the Subdivision and Land Development Ordinance.
 - d. Construction of a nonresidential building addition, with no other related or unrelated alterations to the property

- e. Construction of a nonresidential accessory building, no greater than five hundred (500) square feet with no other related or unrelated alteration to the property.

LAND SURVEYOR - A land surveyor registered in the Commonwealth of Pennsylvania.

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

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit and that is not divided by a street.

LOT LINE - A recorded boundary line of a lot; however, any line that denotes an adjoining public or private street or railroad right-of-way shall be interpreted as the lot line for the purposes of determining the location of the setbacks required by the Zoning Ordinance.

MANUFACTURED HOME - any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Manufactured homes placed in parks shall meet the Zoning Ordinance requirements for manufactured home parks. Manufactured homes placed on individual lots shall be considered "dwellings," and be bound by the requirements imposed on dwellings.

MANUFACTURED HOME LOT - A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home, which is leased by the park owner to the occupants of the manufactured home erected on the lot.

MANUFACTURED HOME PARK - A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

MINIMUM LOT AREA - The least amount of land area required to be to be associated with a principal use as specified within the Zoning Ordinance

MPC - Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended.

MUNICIPALITY - The Borough of New Freedom, York County, Pennsylvania.

NPDES - National Pollution Discharge Elimination System

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

ON-LOT SEWAGE DISPOSAL SYSTEMS - A system of conveyance, treatment, and discharge that provides for the safe and healthful disposal of sewage generated by one principal use within the confines of the lot on which the use is located, as approved by the PA DEP.

ON-LOT WATER SERVICE - The provision of water to a single user from a private source located on the user's lot.

PA - Commonwealth of Pennsylvania

PA DEP - Pennsylvania Department of Environmental Protection.

PAVED - A condition of surface in which man-made materials are applied resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This definition

shall expressly include asphalt, bituminous, concrete, masonry, permeable, geo-grids and other similar materials provided they are applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

PEAK DISCHARGE - The maximum rate of stormwater runoff from a specific storm event.

PEDESTRIAN EASEMENT - A right-of-way, municipally-owned or privately-owned, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

PennDOT - Pennsylvania Department of Transportation.

PERCOLATION - The downward movement, under the influence of gravity, of water under hydrostatic pressure through interstices of the soil or rock.

PERVIOUS AREA - Any area not defined as impervious.

PERSON - An individual, partnership, corporation, limited liability company, limited liability partnership, firm, company, association, governmental entity other than the Borough, trustee, receiver, assignee, or similar representative.

PLAN - The representation of a tract of land on a drawing including all supplementary data required to be noted thereon by this Ordinance.

PLANNING COMMISSION – The Planning Commission of New Freedom Borough.

PUBLIC SEWER - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by multiple principal uses that is owned, leased and/ or operated by New Freedom Borough or it's Authority, including their successors.

PUBLIC UTILITIES - A facility, including an extension of a use thereof which is operated, owned or maintained by a municipality or municipal authority or which is privately owned and requires a "Certificate of Public Convenience" approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or for the purpose of providing the transmission of energy or telephone service..

PUBLIC WATER - A system of source, treatment, storage and/or distribution of domestic water supply to multiple principal uses that is owned and/or operated by New Freedom Borough and/or it's Authority, including their successors.

REVIEW FEES - All professional consultant or expert fees paid or incurred by the Borough in the course of plan review and comment (including all review and comment leading to final plan recording), or paid or incurred by the Borough and arising out of or relating to the construction, observation, inspection, review, and/or approval of the public improvements contemplated by the application.

REQUIRED IMPROVEMENTS - All additions, alterations or modifications constructed, or made to, upon or in connection with, realty as required by an approved land development plan or approved subdivision plan and which are the subject of financial security. Required improvements may include improvements and common amenities as those terms are defined herein. The scope of required improvements shall be based upon the approved land development or subdivision plan and may relate to or include, but shall not be limited to, traffic controls, streets, storm water management facilities, sanitary sewage facilities, water distribution facilities, recreational facilities, street trees, parking lots, access roads, buffer plantings, screening, lighting, soil/erosion/sedimentation controls, and with respect to all of the foregoing, all appurtenances related thereto.

RETENTION BASIN - An impoundment in which stormwater is stored and not released during a storm event. Stored water may be released from the basin at some time after the end of a storm.

RETENTION VOLUME/REMOVED RUNOFF - The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event.

RETURN PERIOD - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04, i.e., a 4% chance.

RIPARIAN BUFFER - A Best Management Practice that is an area of permanent vegetation along surface waters. (Such areas serve as natural vegetative filters between upland landscapes and waterways.)

RIGHT-OF-WAY - An area secured for a use and which may, but need not, be improved with streets, utilities, storm water management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit or enjoyment.

RUNOFF - Any part of precipitation that flows over the land.

SEDIMENT - Soils or other materials transported by surface water as a product of erosion.

SETBACK - The required horizontal distance between a setback line and a property or street line.

SETBACK LINE - A line within a property and parallel to a property line or street line which delineates the required minimum distance between some particular use of property and that property line or street line.

SHEET FLOW - Water flow with a relatively thin and uniform depth.

SPILLWAY - A depression in the embankment of a pond or basin which is used to pass peak discharge greater than the maximum design storm controlled by the pond or basin.

SPECIAL EXCEPTION - A use that is permitted in a Zone but for which additional criteria have been established and approval by the Zoning Hearing Board is required as provided for by the Zoning Ordinance.

STANDARD CONSTRUCTION DOCUMENTS - A document or series of documents containing requirements, specifications and details regulating construction in the Borough.

STATE WATER QUALITY REQUIREMENTS - The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.

STORM FREQUENCY - The number of times that a given storm event occurs on average in a stated period of years.

STORM SEWER - A pipe or conduit, or a system of pipes or conduits, which intercepts and carries surface stormwater runoff, but excludes sewage, industrial wastes and similar discharges.

STORMWATER MANAGEMENT - A program of controls and measures designed to regulate the quality and quantity of storm water runoff from a development, while promoting the protection and conservation of groundwater and groundwater recharge.

STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES - Is abbreviated as BMPs or SWM BMPs throughout this Ordinance.

STORMWATER MANAGEMENT FACILITIES - 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.

STORMWATER MANAGEMENT PLAN - Parts and/or elements of the York County Integrated Water Resources Plan which incorporate the requirements of the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the "Storm Water Management Act."

STORMWATER MANAGEMENT SITE PLAN - The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Ordinance. Stormwater Management Site Plan will be designated as SWM Site Plan throughout this Ordinance. For all NPDES permitted sites, the Stormwater Management Site Plan shall include, and be consistent with, the Erosion and Sediment Control Plan as submitted to the York County Conservation District (YCCD) and/or DEP.

STREET - A public or private right-of-way, excluding driveways and access drives, intended for use as a means of vehicular and pedestrian circulation that provides a means of access to abutting property. The word "street" includes "thoroughfare," "avenue," "boulevard," "court," "drive," "expressway," "highway," "lane," "road," and similar terms. This definition shall not include alleys as defined herein.

STREET CENTERLINE - A line laterally bisecting a street right-of-way into equal widths, where the street right-of-way cannot be determined, the cartway centerline shall be deemed the street centerline.

STREET LINE OR RIGHT-OF-WAY LINE - The line defining the limit of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STREAM - Any natural or man-made channel of conveyance of surface water with an annual or intermittent flow within a defined bed and bank.

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

SUBSTANTIAL COMPLETION - Where, in the judgment of the Borough Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the MPC) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SWALE - A wide, shallow ditch which gathers or carries surface water.

SWM - Stormwater Management.

TRAFFIC CALMING DEVICES - All measures, systems and programs described in the Commonwealth of Pennsylvania Department of Transportation, Bureau of Highway Safety and Traffic Engineering, Publication 383, dated January 2001 and known as "Pennsylvania's Traffic Calming Handbook" and all revisions and updates thereto and any successor publications thereto.

UNIT OF OCCUPANCY - A unit the use of which is not subordinate or customarily incidental to a principal unit. A unit of occupancy can be an independent unit within a building or a separate, detached building.

USDA - United States Department of Agriculture.

WAIVER - A change or modification to the literal terms of this Ordinance granted by Borough Council pursuant to the MPC.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial..

WATERS OF THIS COMMONWEALTH – Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

WATERSHED - All the land area from which water drains into a particular watercourse.

WETLANDS - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas, and which shall be identified using that method of the following that delineates the greatest area of wetlands:

- A. The United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual;
- B. The United States Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified; or,
- C. The Pennsylvania Department of Environmental Protection's Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified..

YCCD - York County Conservation District

ZONING ORDINANCE - The Official Zoning Ordinance of New Freedom Borough.

Procedures for:

Processing Applications and Waivers, Authorization for Start of Work, Construction Observation, and Dedication of Improvements

Section 201 General

201.A. General Description of Procedures - Each application for review of a subdivision and/or land development shall be made on a form prescribed by the Borough. The procedures for consideration of a subdivision and/or land development include:

1. Optional Plan Procedures

- a. Pre-application Review (Section 202.A.) - This procedure provides the applicant an opportunity to receive recommendations and guidance from the Borough staff, while the project is at an early stage.
- b. Sketch Plan Review (Section 202.B.) - This procedure provides the applicant a formal review process to receive recommendations and guidance from the Borough staff, consultants and Borough Planning Commission.

2. Mandatory Plan Procedures

- a. Preliminary/Final Plan Application (Section 203.A.) - This procedure is a combined submission of a Preliminary Plan Application and Final Plan Application.
- b. Preliminary Plan Application Followed By Final Plan Application 3. (Section 203.B.) - This procedure is for receiving separate approval of a Preliminary Plan Application before submission of a Final Plan Application. This procedure accommodates phased development and other procedural benefits that are derived from a multi-level submission process.

3. Special Plan Procedures

- a. Accessory Dwelling Unit (Section 204.B.1.) - This limited type of housing is defined and regulated in the Borough Zoning Ordinance and is not required to comply with the plan processing procedure specified in this Ordinance.
- b. Revised Final Plan Application (Section 204.B.2.) - This procedure is for correction of an obvious error or a minor alteration in a previously-approved application.
- c. Lot Line Adjustment Application (Section 204.B.3.) - This procedure is for an addition of a parcel of land to an abutting lot with no additional lot being created.

201.B. Discretionary Procedures - Procedures described in this Ordinance that are not mandated by the provisions of the MPC are discretionary as to the Borough's obligation. Failure of the Borough to abide by such procedures shall not invalidate any action taken herein. However, all procedures are mandatory as to the applicant, unless waived by Borough Council, pursuant to Section 205.

201.C. Borough Staff and Consultant Review - Every plan shall be subject to Borough staff and consultant review prior to recommendations by the Planning Commission and decision by Borough Council. The applicant is not entitled to participate in, or be present at Borough staff or consultant

reviews; however, where deemed appropriate, the applicant and/or authorized agent may be invited to attend.

201.D. Decision By Borough Council - The official Borough decision on any application filed under this Ordinance rests solely with Borough Council.

201.E. Special Exception or Conditional Use - Whenever the Zoning Ordinance provides that the use proposed by the applicant shall constitute a use by special exception or a conditional use, the applicant shall obtain such special exception or conditional use approval from the Zoning Hearing Board or Borough Council, as applicable, prior to the submission of an application for Preliminary/Final Plan or Final Plan approval. The application shall conform to any conditions which have been imposed upon the granting of such special exception or conditional use.

201.F. Variance - Whenever the applicant proposes to develop a subdivision and/or land development in a manner that would require a variance from any requirements of the Zoning Ordinance, the applicant shall obtain such variance from the Zoning Hearing Board prior to the submission of an application for Preliminary/Final Plan or Final Plan approval. The application shall conform to any conditions which have been imposed upon the granting of such variance or variances by the Zoning Hearing Board.

201.G. Application Revisions After Submission - Revisions or additions to the application are not permitted after the Planning Commission makes its recommendation to Borough Council. Only the material acted upon by the Planning Commission will be considered by Borough Council.

201.H. Schedule for Review and Action

1. The time frame for review and action with respect to subdivision and/or land development plan applications shall be as set forth in the MPC.
2. At such time and under such circumstances as the Borough staff and consultants shall determine that Planning Commission and/or Borough Council consideration is appropriate, the application shall be placed on the next available Planning Commission or Borough Council agenda and the applicant so notified. Attendance at the Planning Commission and Borough Council meetings by the applicant or agent is required.

201.I. Fees - The Borough shall establish by resolution certain fees to be paid at the time of filing an application for plan review. Upon filing of an application, the Borough shall establish an account in the name of the applicant and bill to the account those fees and expenses incurred in the course of review as permitted by law. Any failure by this Ordinance to pay such fees as required by the application shall constitute grounds for rejection of the application.

201.J. Effect of Plan Notes - All notes on an approved plan shall be deemed mandatory and constitute requirements, obligations, covenants, or restrictions, all of which shall run with the land and bind the applicant and its agents, servants, employees, contractors, transferees, grantees, heirs, successors, and assigns.

201.K. Submission of Multiple Design Concepts - Submission of more than one (1) design concept for the same property is allowed, provided each design concept is a separate, independent, application. Each submission shall reference withdrawal of all other design concepts when final approval of the plan is attained. No applicant is entitled to approval of multiple design concepts for the same property.

201.L. Applicant's Duty of Good Faith

1. Upon the filing of an application for review under this Ordinance, the applicant shall exercise good faith and promptly address or otherwise respond substantively to the review comments and requirements of the Borough and its staff and consultants.

2. It is the duty of the applicant to move the plan to completion in a prompt, timely, and diligent manner so as to enable formal action by the Planning Commission or Borough Council, as the case may be, and to comply with all conditions of plan approval imposed by the Borough Council, and to record the plan.
3. The Borough is not obligated to accept an applicant's offer of a time extension for plan review or grant a continuance of any hearing, meeting, or review.

201.M. Unsworn Falsification to Authorities - All statements made, whether written or oral, to the Borough in the course of the land development plan or subdivision plan procedures, shall be true and correct to the best of the knowledge, information and belief of the applicant or its agents and consultants, and with the understanding that any false statement is subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to "Unsworn Falsification to Authorities."

201.N. Submission Constitutes Public Record (Waiver of Copyright)

1. By making a submission under this Ordinance, the applicant acknowledges and agrees that all documents and other information submitted to the Borough pursuant to this Ordinance constitute public records within the meaning of the Pennsylvania Right to Know Law, Act 3 of 2008, as amended, and are therefore subject to review and reproduction upon request in accordance with that Law and applicable Borough ordinances and resolutions.
2. To the extent that any documents or materials constitute public records but are subject to copyright protection pursuant to applicable law, the applicant and all of its agents, employees and consultants, by filing such documents with the Borough pursuant to this Ordinance, shall be deemed to have waived all copyright protection and damages relating hereto. This waiver of copyright protection shall relate only to the reproduction and use of such documents in connection with the review, analysis, or approval of an application and the use of the information contained within such documents for the purpose of review, comment, and analysis of the application.
3. By making a submission under this Ordinance, the applicant hereby agrees to indemnify, defend and hold harmless the Borough and all its agents, servants, employees, officials and consultants of and from any and all claims, damages, suits or causes of actions arising out of violations or allegations of violations of copyright law.

Section 202 Optional Plan Review Procedures

202.A. Pre-application Procedure - The applicant may discuss plans under the Pre-application Procedure with Borough staff prior to a formal submission under Sections 202.B, 203, 204, or 205. The purpose of the Pre-application Procedure is to afford the applicant an opportunity to receive input from the Borough staff, while the project is at an early stage and before the formal filing of a plan. The Pre-application review shall not be considered submission of a plan for the purpose of determining approval, nor is this filing subject to Section 508 of the MPC. No legal rights are attached to the Pre-application Procedure.

202.B. Sketch Plan Procedure

1. Purpose - The applicant is may submit an application using this procedure before submission under Sections 203, 204 or 205. The purpose of the Sketch Plan review is to afford the applicant an opportunity to receive recommendations and guidance from Borough staff, consultants, and if requested the Planning Commission, while the project is at an early stage.
2. Submission Procedure - Applications may be submitted to the Borough on any business day but must be received by the Borough no later than fifteen (15) calendar days prior to a Borough Planning Commission meeting in order to be considered for placement on the agenda. The

Borough reserves the right to determine in its sole discretion when an application will be placed on an agenda.

3. Application Requirement - All applications shall include a completed application form; fee; escrow deposit; five (5) full sets of plans; fourteen (14) full sets of plans reduced to tabloid sheet size; two full sets of required documents; and a PDF format of the entire submission. The Borough may require additional copies of the above-referenced material.
4. Review - The application is reviewed by Borough staff, consultants and, if requested by the applicant, the Planning Commission. If the application notes a request for Planning Commission review, Borough staff shall determine when the application will be placed on the Planning Commission agenda and notify the applicant. Attendance at the Planning Commission meeting by the applicant or agent is necessary to discuss all aspects of the application.
5. Legal Rights - No legal rights attach to the Sketch Plan Application, and Section 508 of the MPC shall not apply.

Section 203 Mandatory Review Procedures

203.A. General - The filing of an application under this Section is mandatory for all subdivision and land development plans, except as provided in Section 204 Special Plan Procedures.

203.B. Preliminary/Final Plan Application Procedure

1. Purpose - The Preliminary/Final Plan Application provides a procedure for the combined submission of an application for Preliminary Plan Application and Final Plan Application. In the alternative, the applicant may sequentially submit a Preliminary Plan followed by Final Plan under Section 203.C.
2. Submission Procedure
 - a. The application may be submitted to the Borough on any business day but must be received by the Borough no later than fifteen (15) calendar days prior to a Planning Commission meeting in order to be considered for placement on the agenda. The Borough reserves the right to determine in its sole discretion when an application will be placed on an agenda.
 - b. All zoning relief or zoning approval required by the application shall be obtained prior to submission of an application.
3. Submission to Other Agencies
 - a. The applicant shall submit the Preliminary/Final Plan to the York County Planning Commission, PENNDOT, York County Conservation District, and any other applicable agency with jurisdiction and provide the Borough with evidence of the submission.
 - b. Where a subdivision or land development abuts another municipality, the applicant shall, at the request of the Borough, provide a courtesy copy of the plan to that municipality and provide the Borough with evidence of the submission.
4. York County Planning Commission Review - The Borough will not schedule an application for action by Borough Council until the receipt of the York County Planning Commission report, or the expiration of thirty (30) calendar days from the date the application was forwarded to the York County Planning Commission.

5. Application Contents

- a. All applications shall include a completed application form; fee; escrow deposit; five (5) full sets of plans; fourteen (14) full sets of plans reduced to tabloid sheet size; two full sets of required documents; and a PDF format of the entire submission. The Borough may require additional copies of the above-referenced material.
- b. Failure to fully complete the application form, provide all required information and fee, and follow all directives contained therein shall be grounds to reject the application as incomplete and therefore not filed within the meaning of Section 508 of the MPC. If an application is deemed incomplete, the time for review and action on the proposed subdivision and/or land development plan application shall not be deemed to have commenced.

6. Review for Completeness of Application

- a. Bases for Determination - To be complete, the submission shall contain:
 - i. Fully completed and executed application form;
 - ii. Application fee and escrow deposit;
 - iii. All documents specified in this Ordinance; and
 - iv. Correct number of copies of all documents.
- b. Complete Application - If determined to be complete, the application shall be deemed accepted for filing as of the date of receipt. Acceptance for filing shall not constitute a waiver of any deficiencies or irregularities.
- c. Incomplete Application - If determined to be incomplete, the application may be rejected. If rejected, the Borough shall notify the applicant of the rejection within ten (10) days of receipt of the application.
- d. Appeal of Rejection - The applicant may, within seven (7) days of receipt of the notice of rejection, file with the Borough an appeal of the rejection. Such appeal shall state the grounds for the appeal. Borough Council will consider the appeal at a public meeting within forty-five (45) calendar days of receipt of the appeal. The time period for action on the application is not extended by appeal if the applicant prevails.
- e. Legal Rights - No legal rights attach if the application is rejected, and Section 508 of the MPC shall not apply.

7. Staff and Consultant Review

- a. Review - Prior to review by the Planning Commission, the application may be reviewed by the Borough staff and consultants. Where appropriate, the applicant may be invited to attend a review meeting with the Borough staff and consultants.
- b. Review Letter - The Borough staff and consultants may issue review letters. The review letters shall cite, where appropriate, the legal authority in support of the comments contained therein.

8. Planning Commission Review

- a. Schedule - At such time and under such circumstances as the Borough staff and consultants shall determine that Planning Commission consideration is appropriate, the

application shall be placed on the next available meeting agenda and the applicant so notified.

- b. Attendance at Public Meeting - Attendance at the Planning Commission public meeting by the applicant or agent is required. The applicant or agent must be prepared to discuss all aspects of the application.
- c. Deliberation and Recommendation - At the public meeting, the Planning Commission will consider the applicant's submission, Borough staff and consultant reviews, other pertinent material, and public comment. The Planning Commission may:
 - i. Table action on the application; or
 - ii. Take action on the application which may include a recommendation of approval, approval with conditions or denial. Such action shall be recorded in the Planning Commission meeting minutes. Receipt of the Planning Commission recommendation is a prerequisite to review and action by Borough Council. Borough Council is not bound by the Planning Commission, Borough staff or Borough consultants review.
- d. Resubmission of Application - If the applicant revises the application before action by the Planning Commission, the revised application shall be submitted to the Borough according to Section 203.B with a brief narrative identifying the alterations.
- e. Application Revisions After Submission - Revisions or additions to the application are not permitted after the Planning Commission makes its recommendation to Borough Council. Only the material acted upon by the Planning Commission shall considered by Borough Council.

9. Borough Council Decision

- a. Schedule - Following a Planning Commission recommendation, the application shall be placed on the next available Borough Council agenda and the applicant so notified.
- b. Attendance at Public Meeting - Attendance at Borough Council public meeting by the applicant or agent is required. The applicant or agent must be prepared to discuss all aspects of the application.
- c. Decision - Before rendering a decision on the application, Borough Council shall, at the public meeting, consider the application's submission, other pertinent material, and public comment. Borough Council is not bound by the recommendations of the Planning Commission, Borough staff or York County Planning Commission. Borough Council shall announce its decision at the meeting.
- d. Applicant Acceptance of Conditions - If the application is approved subject to modification or other conditions, the applicant or agent will be requested at the public meeting to verbally indicate acceptance or rejection of such modification or conditions.
- e. Written Notification of Decision - Borough staff shall provide written notice of Borough Council decision to the applicant, in accordance with the MPC.
- f. Acceptance of the Conditions of Approval - The applicant shall provide the Borough with a written acceptance of the conditions of approval. Refusal by the applicant to execute written acceptance of the conditions of approval shall constitute a denial of the application.

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- g. Extension of Time - The applicant or agent may offer the Borough an extension of time within which to act upon the application and/or render a written decision. The Borough shall not be obligated to accept such offer.
10. Compliance With Conditions of Approval
- a. If Borough Council approves the application subject to conditions, documents evidencing compliance with such conditions (including but not limited to required financial security and improvement agreements as specified in Article 4) shall be submitted to the Borough. The applicant shall include a brief narrative concerning the submitted data.
- b. Where financial security and an improvements agreement are required as a condition of approval, the plan shall not be recorded until such time as the same are provided to the satisfaction of the Borough.
- c. The Borough staff will advise the applicant when all conditions of approval have been satisfied.
- d. After all conditions of approval are satisfied, the applicant shall present to the Borough:
- i. One (1) paper copy of the full plan set and supporting material for the Borough files; and
- ii. One (1) electronic file of the full plan set and supporting material formatted to the current Borough specifications;
11. Plan Certification and Recording
- a. Plan Standards for Certification and Recording - All plan copies shall be in black ink and bear original signatures on each certificate and seal of each professional responsible for preparation of the plan.
- b. Number of Plans for Recording – For plan certification and recording, the applicant shall present to the Borough for execution:
- i. Three (3) paper copies of the full plan set intended for recording, to be returned to the Borough after recording;
- ii. One (1) paper copy of the plan sheets that are intended for recording, to be returned to the York County Planning Commission;
- iii. One (1) paper copy of plan sheets that are intended for recording, to be filed with the York County Recorder of Deeds; and
- iv. The number of plan sheet copies, with original signatures, that are desired to be retained by the applicant.
- c. Payment of Fees - No plan shall be released for recording until all consultant review fees and any other sums due and owing which relate to the subject property are paid in full in accordance with this Ordinance and applicable resolutions.
- d. Recording of Plans
- i. Upon execution by the Borough, the applicant shall submit the plans to the York County Planning Commission for signature and thereafter the office of the York

County Recorder of Deeds for recording. The applicant shall provide the Borough with a proof of recordation.

- ii. One (1) paper copy containing original signatures of the York County Planning Commission and York County Recorder of Deeds must be returned by the applicant to the Borough.
- iii. Recording of the plan shall have the effect of an irrevocable offer to dedicate all improvements shown thereon. Approval by Borough Council shall not impose any duty upon the Borough concerning maintenance of any such improvements until Borough Council shall have accepted the same.

203.C. Preliminary Plan Application Approval Followed By Final Plan Application Approval

1. Purpose - This procedure is for receiving a separate approval for a Preliminary Plan Application and a Final Plan Application. This procedure accommodates phased development and other procedural benefits that are derived from a multi-level submission process.
2. Sequential Submission - The Preliminary Plan and Final Plan procedures are sequential. The Preliminary Plan approval must be received before submission of the Final Plan. The Final Plan shall be substantially consistent with the Preliminary Plan. The Final Plan may consist of phases of an approved Preliminary Plan, provided:
 - a. In a residential subdivision or land development each phase shall contain the minimum number of dwelling units permitted by the MPC, unless a lesser number is approved by Borough Council in its discretion;
 - b. Each phase independently conforms to the Ordinance, regulations and other standards of the Borough; and
 - c. Each phase independently results in a logical extension of streets, access drives, alleys, storm water management facilities, sanitary sewer facilities, water supply facilities, and other required improvements.
3. Submission Procedure - Each application shall be submitted in compliance with Sections 203.B. 2 through 4, as applicable.
4. Application Contents - Each application shall be in compliance with Section 203.B.5.
5. Application Process - Each application shall be processed in compliance with Sections 203.B.6 through 10.
6. Plan Certification and Recording - The Final Plan shall be processed in compliance with Section 203.B.11.

Section 204 Special Procedures

204.A. Eligibility for Special Procedure - Except as otherwise specified, eligibility for a Special Procedure is at the sole discretion of the Borough.

204.B. Type of Plan Applications

1. Accessory Dwelling Unit - Accessory Dwelling Unit, as regulated in the Zoning Ordinance, is not required to comply with the processing procedure specified in this Ordinance. The

procedures of the Zoning Ordinance shall apply to Accessory Dwelling Unit housing.

2. Revised Final Plan - The procedures of Section 204.C. shall apply to a Revised Final Plan. A Revised Final Plan is limited to the following:
 - a. Correction of an obvious error in an approved application; or
 - b. Depiction of a minor alteration that is substantially consistent with an approved application.
3. Lot Line Adjustment Plan - The procedures of Section 204.C. shall apply to a Lot Line Adjustment Plan. A Lot Line Adjustment Plan is limited to the addition of a parcel of land to an abutting lot with no additional lot is being created.

204.C. Submission Procedure for Revised Final Plan and Lot Line Adjustment Plan Applications -
The application shall be submitted to the Borough on any business day.

1. Procedure - The application shall be submitted in compliance with Sections 203.B. 2 through 4, as applicable.
2. Application Requirement - The application shall be in compliance with Section 203.B.5.
3. Staff and Consultant Review - The application is reviewed by Borough staff and consultants in accordance with Sections 203.B.6 and 7. Borough staff may refer the application to the Planning Commission for review in accordance with Section 203.B.8.
4. Borough Council Decision - At such time and under such circumstances as the Borough staff shall determine that Borough Council consideration is appropriate; the application shall be placed on the next available agenda. The decision will be in accordance with Section 203.B.9.
5. Compliance With Conditions of Approval - If Borough Council conditions its approval upon receipt of additional information, alterations, changes, or notifications, such data shall be submitted and/or alterations noted in compliance with Section 203.B.10.
6. Plan Certification and Recording - The plan shall be processed in compliance with Section 203.B.11.

Section 205 Waiver Procedure

205.A. Purpose - A waiver is the remedy by which an applicant may receive a modification or deferment of an Ordinance requirement as it applies to a specific project.

205.B. Standards for Waiver - A waiver may be approved at the sole discretion of the Borough when the applicant demonstrates all of the following:

1. The literal enforcement of the Ordinance requirement is unreasonable or will exact undue hardship because of a peculiar condition pertaining to the land, or that an alternative standard will provide an equal or better result;
2. The waiver will not be contrary to the public interest;
3. The waiver is consistent with the intent of this Ordinance;
4. The waiver is consistent with Section 102 – Purpose; and

5. The waiver represents the minimum modification for relief.

205.C. Submission Procedure

1. Written Request - The request for a waiver shall be submitted in writing. The request shall include citation to the specific ordinance provision for which the waiver is sought, together with a statement setting forth the purpose and grounds for the request.
2. Planning Commission Review - At the public meeting, the Planning Commission shall consider Borough staff and consultant review, the applicant's submission, and other pertinent material and public comment. The Planning Commission may recommend reasonable conditions that may attach to the waiver. The Planning Commission will make a recommendation which will be included in their meeting minutes.
3. Schedule - At such time and under such circumstances as the Borough staff and consultants shall determine that Borough Council consideration is appropriate; the waiver request may be placed on the next available Borough Council agenda and the applicant so notified.
4. Attendance at Public Meeting - Attendance at Borough Council public meeting by the applicant or agent is required. The applicant or agent must be prepared to support the grounds and basis for the waiver request.
5. Deliberation - At the public meeting, Borough Council shall consider Borough staff and consultant reviews, the applicant's submission, and other relevant material and public comment. Borough Council shall decide the request and may attach reasonable conditions to any grant thereof.
6. Applicant Acceptance of Conditions - If the waiver is approved subject to modification or other conditions, the applicant will be requested at the public meeting to verbally indicate acceptance or rejection of such modification or conditions. Refusal by the applicant to accept modification or conditions of approval constitutes denial of the waiver.
7. Written Notification of Borough Council Decision and Applicant's Acceptance - Borough staff shall provide written notice of Borough Council decision to the applicant personally or by mail to the last known address. The applicant shall provide the Borough with a written approval or rejection of Borough Council decision. Refusal by the applicant to accept conditions of approval shall constitute denial of the waiver.
8. Sovereign Action By Borough Council - Borough Council may consider a waiver independent of the Planning Commission review procedure.

Section 206 Authorization for Start of Work

Unless authorized by the Borough, no work shall commence until:

1. All required permits and approvals are received;
2. The developer reimburses the Borough for all review fees and any other sums due and owing which relate to the subject property;
3. The improvements agreement is executed;
4. The developer's expense escrow account is established and funded;

5. Approved financial security (if applicable) is provided;
6. Approved insurance is provided;
7. A pre-construction conference is conducted with Borough staff; and
8. A notice to proceed is issued in writing by the Borough.

Section 207 Construction Observation

207.A. Borough Assignment of Representatives - The Borough may, during the course of construction, installation, erection, and completion of the required improvements, assign representatives to observe or inspect the performance of the developer's work. Such representatives are not authorized to revoke, alter, amend, enlarge, relax, or release and requirements or conditions of approval; approve or reject any portion of the developer's work; or issue instructions contrary to the requirements of the application or conditions of approval of the application. However, minor field changes may be approved by the Borough, when recommended by the Borough Engineer. The applicant shall annotate the file to reflect the approved minor field changes. Should substantive changes from the approved drawings and specifications become necessary during construction, approval of the changes will require submission of a revised application before the execution of such changes. The presence of such representatives during the performance of the work and any acceptance or approval by such representatives of the Borough shall not relieve the developer of responsibility for work that is later determined by the Borough to be defective.

207.B. Authorization for Borough Observation - The construction, installation, erection, and completion of required improvements are subject to the observation and approval of the Borough according to the improvements agreement, approved application and Standard Construction Documents. The developer shall permit the Borough to observe the work, to make reasonable observation(s) and re-observations, and to perform or conduct appropriate tests. In the event that any portion of the work is backfilled or concealed prior to observation and without the consent of the Borough, the developer shall, if required by the Borough, uncover such work at its sole cost and expense and make the same available for observation and/or testing.

207.C. Borough Determination - Such representatives are not authorized to revoke, alter, amend, enlarge, relax, or release any requirements or conditions of approval; approve or accept any portion of the developer's work; or issue instructions contrary to the requirements of the application or conditions of approval of the application. However, minor field changes may be approved by the Borough, when recommended by the Borough Engineer. The applicant shall annotate the file to reflect the approved minor field changes. Should substantive changes from the approved drawings and specifications become necessary during construction, approval of the changes will require submission of a revised application before the execution of such changes. The Borough shall determine in its sole discretion, whether the required improvements comply with this Ordinance, the improvements agreement and the approved application.

Section 208 Offer and Acceptance of Dedication

208.A. Deemed Private Until Accepted

1. Until such time as an offer of dedication has been accepted by Borough Council, all improvements or property shall be deemed to be private and for the benefit of the project.
2. Dedication is not complete until it is authorized by resolution of Borough Council.

3. The Borough shall have no responsibility for such improvements or property unless and until there occurs an acceptance of an offer of dedication.

208.B. Procedure for Borough Engineer's Review of Improvements - Upon Borough receipt of written notice from the developer indicating that the improvements are installed and ready for final inspection, the Borough shall notify the Borough Engineer, who shall inspect the work and determine if it is in compliance with the approved application and improvements agreement. Following the inspection, the Borough Engineer shall notify the Borough and developer of the results and if the Borough Engineer determines that the work is complete, the developer may proceed with the dedication process. If the work is not complete, the developer shall take all necessary action to complete the improvements and notify the Borough in accordance with this sub-section.

208.C. Requirements for Submission of an Offer of Dedication - No offer of dedication shall be submitted unless and until:

1. All requirements of the approved application and the improvements agreement have been fulfilled;
2. The Borough Engineer confirms in writing that the improvements are installed in accordance with the approved application and improvements agreement;
3. The developer provides an as-built plan in compliance with the Standard Construction Documents and including, where necessary, notes identifying all deviations from the approved plan;
4. The developer reimburses the Borough for all review fees, costs, and any other sums due and owing which relate to the application;
5. The developer provides evidence of final acceptance of the improvements by all other applicable agencies;
6. The developer provides an executed maintenance guarantee to the satisfaction of the Borough;
7. The developer provides a certification of clear title or other acceptable guarantees for any dedicated property; and
8. The developer provides all necessary instruments of conveyance to the satisfaction of the Borough.

208.D. Standards for Conveyance

1. An interest in land or property shall be conveyed free and clear of all liens and encumbrances, for nominal consideration and by instrument approved by the Borough Solicitor.
2. As a condition of street dedication of real property, the developer shall present a petition to the Borough offering fee simple title by deed of dedication. The deed shall include all public streets real property or portions of public streets, their rights-of-way and all required improvements constructed therein, as set forth on the approved plan application, together with a street plan diagram depicting streets and rights-of-way of the real property and improvements thereto. The deed of dedication shall be in the form of a special warranty deed that includes a metes and bounds description and plat.

3. Unless otherwise authorized by the Borough, all improvements shall be offered for dedication at the same time.
4. It shall be a violation of this Ordinance for any person to place or allow to be placed mechanic liens on land or improvements that are to be offered by bill of sale or otherwise conveyed to the Borough or its Authorities.

208. E. Acceptance of Dedication – Acceptance of an offer of dedication shall be by resolution of Borough Council.

Article 3

Information To Be Shown On or Submitted With Subdivision and Land Development Applications

Section 301 Sketch Plan Drafting Standards

301.A. Purpose - The submission of a Sketch Plan Application does not constitute submission of a plan for the purpose of determining approval, and is not subject to Section 508 of the MPC. No legal rights are attached to the Sketch Plan. The Sketch Plan affords the applicant an opportunity to receive recommendations and guidance from Borough staff, consultants and the Planning Commission, while the project is at an early stage. The type and quality of information provided with the sketch plan has a direct nexus to the level of assistance that is provided by the Borough. The Sketch Plan should be prepared accordance with the guidelines set forth in this section.

301.B. Drafting - The plan should be prepared according to the following:

1. Clearly and legibly drawn at a typical civil engineering scale and in no case may be drawn to a scale less than one hundred feet (100') to the inch.
2. Sheet size should be twenty-four inches by thirty-six inches (24"x36"), or thirty inches by forty-two inches (30"x42"). If the plan is prepared in two (2) or more sections, a key map showing the location of the sections should be placed on each sheet. If more than one (1) sheet is necessary, each sheet should be numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 2).
3. Profile sheets should include the horizontal alignment of required improvements, utilities, and stormwater facilities located in a given area on the same sheet to show their interrelationship.

301.C. Project Identification and Location Data - Where appropriate, the plan should include the following:

1. Proposed project name or identifying title;
2. Name of the municipality in which the project is located and if in the vicinity of a municipal boundary line, identify the location of the boundary line;
3. Location map, drawn to a scale that clearly identifies the relationship of the property to at least two (2) intersections of existing street centerlines;
4. Name (if a corporation, partnership, etc. provide the full legal name, type of entity, State of registration/incorporation and address (if a Post Office Box also provide a physical address of the owner; applicant; authorized agent for the owner and applicant, if any; and firm that prepared the plans.
5. Source of title to the land, as shown in the office of the York County Recorder of Deeds, and if the property is subject to an equitable ownership, the name, address of the owner, and equity agreement should be identified;
6. Names of all landowners, and names/plan book record numbers of the last recorded plans for property located within two hundred feet (200') of the subject property;

7. Street address and Parcel Identification Number (PIN) assigned to the property by the York County Tax Assessment Office;
8. Plan date and date(s) of all plan revisions;
9. North arrow, graphic scale, and written scale;
10. Total acreage of the existing subject property;
11. Zoning Ordinance District designation for the subject property and surrounding property;
12. Relevant Zoning District requirements for the subject property;
13. Date of decision, relief granted, and conditions imposed for any existing waivers, variances, special exceptions, conditional uses, existing nonconforming structures/uses, and previous conditions of plan and other regulatory approvals that are applicable to the plan and property;
14. Proposed land use, total proposed number of lots, number of units of occupancy, density, minimum lot size, lot coverage, building coverage, type of sanitary sewage disposal, type of water supply, and if applicable, name of authority providing sanitary sewage disposal and/or water supply;
15. Building setback lines, with distances from the property and street right-of-way;
16. Buildings and other improvements to be demolished, and the construction sequence thereof;
17. Approximate lot line dimensions and lot areas for proposed lots;
18. Lot numbers for proposed lots in consecutive order;
19. Lands to be dedicated or reserved for public or private use; and
20. Vertical aerial photograph enlarged to a scale not less detailed than one inch equals four hundred feet (1"=400'), with the tract boundaries clearly marked.

301.D. Existing Features - The following existing features should be identified on the plan, when located on the subject property or within two hundred feet (200') thereof:

1. Topography - Existing contours, at a minimum vertical interval of two feet (2') for land with average natural slope of ten percent (10%) or less, and at a minimum vertical interval of five feet (5') for more steeply sloping land. Contours should be accompanied by the location of the benchmark within or immediately abutting to the subject property and a notation indicating the datum used. Contours plotted from the York County Geographic Information System mapping may only be used for plans which require no new streets, drainage swales, or other public improvements. Ridgelines and watershed boundaries should be identified.
2. Existing Land Use - All existing land uses on the subject property and adjoining properties, including across the street.
3. Natural Features - As applicable, the information required for enforcement of the Natural Resources District, Floodplain Overlay District, and Steep Slope Overlay District of the Zoning Ordinance.
4. Man-Made Features - All existing man-made features such as streets, access drives, driveways, alleys, farm roads, abandoned/paper roads, street signs/traffic controls, parking/loading facilities, pedestrian-ways, buildings, foundations, walls, wells, drainage fields, utilities, fire hydrants, walls, bus stops, street furniture, lighting fixtures, refuse collection stations, quarries, above and below ground utilities, stormwater management

facilities, domestic water supply, and sanitary sewers.

5. Open Space/Recreation - Location of areas that have been in public use, including, but not limited to, pedestrian, equestrian and bicycle trails.
6. Encumbrances - All easements and any other restrictions or encumbrances which are filed of record with the York County Recorder of Deeds for facilities such as stormwater, sanitary sewer, water supply, electric, telecommunication or telephone transmission line, gas pipeline, or petroleum products transmission line.

301.E. Proposed Features - The plan should identify the location of all proposed features and alteration of features that are included with the application. Proposed features include the following:

1. Access drives, driveways, and alleys;
2. Buildings and conceptual building locations;
3. Utilities including but not limited to sanitary sewer, water and stormwater;
4. Landscaping;
5. Lighting;
6. Off-street loading;
7. Parking facilities;
8. Refuse collection stations;
9. Sidewalks and pedestrian paths;
10. Streets;
11. Rights-of-way and easements for all purposes;
12. Recreational facilities and open space features;
13. Streams, ponds, streamside buffers, and other watercourse;
14. Proposed names for new streets, pavement markings, and traffic control devices; and
15. Location of each land use, if several types of uses are proposed.

Section 302 Preliminary/Final Plan Drafting Standards

302.A. General - The Preliminary/Final Plan Application shall be prepared by an engineer, land surveyor, landscape architect and/or other individuals registered in the Commonwealth of Pennsylvania to perform such duties. Metes and bounds descriptions shall be prepared by a land surveyor. The Preliminary/Final Plan shall show, be accompanied by and be prepared in accordance with the standards set forth in this Section.

302.B. Drafting - The plan shall be prepared according to the following:

1. Clearly and legibly drawn at a typical civil engineering scale and in no case may be drawn to a scale less than one hundred feet (100') to the inch.
2. Sheet size shall be twenty-four inches by thirty-six inches (24"x36"), or thirty inches by forty-two

inches (30"x42"). If the plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 2).

3. Plan sheets shall be titled by the type of information being provided (e.g., cover sheet, existing conditions and demolition plan, easement plan, grading and drainage plan, landscape plan, lighting plan, overall site plan, soil erosion and sediment plan, utility plan).
4. Profile plans shall maintain a ratio of 1:5 or 1:10 vertical to horizontal. Profile plans shall identify the vertical and horizontal alignment for each proposed street, stormwater management facility, sanitary sewer facility, and water distribution facility, and shall include:
 - a. Vertical and horizontal alignment on the same sheet;
 - b. Utility structure identification numbers;
 - c. Vertical street alignment;
 - d. Existing (natural) and proposed grades along the street centerline;
 - e. Proposed street grades at the curb line within street intersections and within the turnaround of cul-de-sacs; and
 - f. Such other information as required by the Borough.

302.C. Project Identification and Location Data - Where appropriate, the plan shall identify the following data:

1. Proposed project name or identifying title;
2. Name of the municipality in which the project is located and if in the vicinity of a municipal boundary line, identify the location of the boundary line;
3. Location map, drawn to scale, that clearly identifying the relationship of the property to at least two (2) existing named street centerlines;
4. Name and address of the owner; applicant; authorized agent for the owner and applicant, if any; and firm that prepared the plans. If the name is not a person (e.g., corporation, partnership), the information shall include the full legal name, type of entity, State of registration/incorporation, and address (not Post Office Box) of the principal office;
5. Source of title to the land, as shown in the office of the York County Recorder of Deeds, and if the property is subject to an equitable ownership, the name, address, and equity agreement shall be identified;
6. Names of all landowners, and the name and plan book record numbers of the last recorded plans for property located within two hundred feet (200') of the subject property;
7. Street address and Parcel Identification Number (PIN) assigned by the York County Tax Assessment Office;
8. Plan date and date(s) of all plan revisions;
9. North arrow, graphic scale, and written scale;
10. Vertical aerial photograph that reflects the current surrounding conditions at a scale not less than four hundred feet (400') to the inch; and

11. Such other information as required by the Borough.

302.D. Existing Features - The plan shall identify the following features when located on or within two hundred feet (200') of the subject property. The Borough may require the applicant to provide this information beyond the prescribed area when the item affects the property.

1. Property Boundaries - Lot lines, street right-of-way and easement lines with distance and bearings. The description shall not have an error of closure greater than one foot (1') in ten thousand feet (10,000'). If the landowner retains a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed-plotting and may be drawn at any legible scale.
2. Topography - Existing contours, at a minimum vertical interval of two feet (2') for land with average natural slope of ten percent (10%) or less, and at a minimum vertical interval of five feet (5') for more steeply sloping land. Contours shall be accompanied by the location of the benchmark within or immediately abutting to the subject property and a notation indicating the datum used. Ridgelines and watershed boundaries shall be identified.
3. Official Map - Areas reserved for public use as depicted on the Official Map of the Borough.
4. Natural and Cultural Features – Areas with natural and cultural features, including but are not limited to:
 - a. Floodplains;
 - b. Riparian buffers;
 - c. Wetlands;
 - d. Wetland buffers;
 - e. Steep slopes;
 - f. Woodlands;
 - g. Historic structures;
 - h. Pennsylvania natural diversity inventory sites (PNDI);
 - i. Area of suspected archaeological significance;
 - j. Individual soil type;
 - k. Watercourses (e.g., creek, stream, spring, pond);
 - l. Rock outcrops;
 - m. Other significant and/or scenic geologic features; and
 - n. Such other information as required by the Borough.
5. Man-Made Features – Existing man-made features, and any other information deemed necessary by the Borough:
 - a. Streets including pavement limits, pavement markings, traffic control devices, names, and bus stop;

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- b. Access drives including pavement limits, pavement markings, traffic control devices, and when applicable, names;
 - c. Alleys including pavement limits, pavement markings, and traffic control devices;
 - d. Driveways;
 - e. Sidewalks and pedestrian-ways;
 - f. Buildings;
 - g. Off-street parking areas including pavement limits, pavement markings and traffic control devices;
 - h. Off-street loading area improvement including pavement limits, pavement markings and traffic control devices;
 - j. Stormwater management improvements and easements for stormwater conveyance and storage facilities including size, elevations, types of material and manhole locations and service connections;
 - k. Water and sanitary sewer systems including manhole locations and invert elevations, size, type of material, pipe locations, grade and size, valves, service connections, and fire hydrants;
 - l. Other utility and communication transmission line;
 - m. Outdoor lighting fixtures;
 - n. Surface waters (e.g. swimming pools, ponds and other watercourses);
 - o. Survey monuments and markers; and
 - p. With respect to all of the above, all necessary dimensions and specifications.
6. Open Space/Recreation - Area(s) and improvements that are in public use, including, but not limited to, parks, athletic fields, pedestrian, equestrian and bicycle trails.
 7. Encumbrances - All easements and any other restrictions or encumbrances which are filed of record with the York County Recorder of Deeds for facilities such as stormwater, sanitary sewer, water supply, electric, telecommunication or telephone transmission line, gas pipeline, or petroleum products transmission line.
 8. Other - Such other information as required by the Borough.

302.E. Proposed Features – The plan shall identify the location and construction specifications for all proposed features and alteration of features that are included with the application. Proposed features including the following:

1. Lot lines, street centerline, street right-of-way and easement lines with dimensions in feet and decimals; bearings shall be in degrees, minutes and seconds. Descriptions shall read in a clockwise direction. The description shall not have an error of closure greater than one foot (1') in ten thousand feet (10,000'). If the landowner retains a single lot with a lot area in excess of ten (10) acres, the boundary of that lot, if permitted by the Borough, may be identified as a deed-plotting and drawn at a legible scale.
2. Street improvements and rights-of-way including pavement limits, pavement markings, traffic control devices, names, and bus stops;

3. Typical cross-section of the entire street right-of-way for each proposed street and existing street that are proposed for modification. A cross-section for improvement to an existing street shall be provided for each fifty foot (50') station location, unless otherwise specified by the Borough;
4. Access drive improvement including pavement limits, pavement markings, traffic control devices, name, and conceptual design of future access drive improvements and a conceptual design of future access drives for subdivision plans when required by the Borough required;
5. Alley improvement and right-of-way including pavement limits, pavement markings, and traffic control devices;
6. Driveway improvement and conceptual design of future driveway improvement when required by the Borough for subdivision plans;
7. Sidewalk and pedestrian-way improvement and right-of-way (if applicable);
8. Building setback lines, isolation distances and other restriction lines with dimensions;
9. Buildings and other improvements to be demolished with construction sequence for demolition;
10. Buildings and conceptual locations of future buildings when required for subdivision plans;
11. Off-street parking areas including pavement limits, pavement markings and traffic control device;
12. Off-street loading area improvement including pavement, pavement marking and traffic control device;
13. Grading and first floor building elevations;
14. Stormwater management improvements and easement for stormwater conveyance and management facilities including size and type of material, manhole locations, and etc;
15. Public and on-lot water and sanitary sewer systems including manhole locations and inverts, size and type of material, pipe locations, grade and size, valves, service connections, fire hydrants, wells, on-lot sewage disposal systems sites, rights-of way, easements and all other details required by the Borough and Authority specifications, rules and regulations;
16. Other utility and communication transmission lines and rights-of-way;
17. Landscaping and detailed specifications;
18. Outdoor lighting plan identifying outdoor lighting fixtures and illumination levels;
19. Surface water (e.g. swimming pools, ponds and other watercourses);
20. Location and area of lands to be dedicated or reserved for public or private use;
21. Open space areas and recreation areas and with respect to both, the required improvements to be construction thereon;
22. Survey monuments and markers including a note that all monuments and lot line markers are set or indicating when they will be set;
23. Rights-of-way and easements for areas that are proposed for restrictions and encumbrances including a plan note identifying the purpose, property rights and obligations area; and

24. Areas and facilities intended for dedication or sale to the Borough or other public entity (ex., streets, utilities and other public property).
25. Such other information as required by the Borough.

302.F. Plan Notes – The plans shall include the following notes and any other information deemed necessary by the Borough.

1. Plan notes as specified in the Standard Plan Notes (available at the Borough) and other information including but not limited to:
 - a. Access to State highway;
 - b. Planning Commission signature block;
 - c. Borough Council signature block;
 - d. Certificate of ownership, acknowledgement of plan and offer of dedication;
 - e. Engineer's/surveyor's certification;
 - f. York County Planning Commission signature block;
 - g. Plan sheet index;
 - h. Zoning data;
 - i. Site data;
 - j. Wetland note;
 - k. Stormwater management notes and
 - l. General plan notes.
2. A listing of all required outside agency permits and approvals.
3. Rights and responsibilities for proposed easements and rights-of-way that are not offered for dedication to the Borough or other government agency.
4. Description of existing waivers, variances, special exceptions, conditional uses, nonconforming structures/uses, and other regulatory permits and approvals applicable to the property, including date of decision, relief granted, and conditions imposed.
5. Proposed relief that is necessary for the subject plan (e.g., waiver, variance, special exception, conditional use).
6. Developer's representation that to the best of its knowledge:
 - a. The project complies with and is not in violation of any applicable statutes, rules, regulations, ordinances, or orders of any governmental entity relating to hazardous wastes or substances with regard to the ownership or operation of the property;
 - b. The project has not received any request for information, notice of claim, demand or notification that it is or may be potentially responsible concerning any investigation or cleanup of any threatened or actual release of any hazardous wastes or substances at, on, about or under the property;

- c. The Borough has not become an owner or operator with respect to the property within the meaning of the Comprehensive Environmental Response Compensation and Liability Act of 1980, by virtue of holding any easement or right-of-way shown on this plan; and

Section 303 Preliminary Plan Drafting Standards

- 303.A. General** - The Preliminary Plan Application shall be prepared by an engineer, land surveyor, landscape architect and/or other individuals registered in the Commonwealth of Pennsylvania to perform such duties. Land surveyors shall prepare metes and bounds descriptions. The plan shall show, be accompanied by, or be prepared in accordance with, the standards set forth in this Section.
- 303.B. Drafting** - The same standards as required for a preliminary/Final Plan in Section 302.B.
- 303.C. Project Identification and Location Data** - The same standards as required for a preliminary/Final Plan in Section 302.C.
- 303.D. Existing Features** - The same standards as required for a preliminary/Final Plan in Section 302.D.
- 303.E. Proposed Features** - The same standards as required for a preliminary/Final Plan in Section 302.E.
- 303.F. Plan Notes** – To the extent applicable, the same standards as required for a preliminary/Final Plan in Section 302.F.

Section 304 Final Plan Drafting Standards

- 304.A. General** - The Final Plan Application shall be prepared by an engineer, land surveyor, landscape architect and/or other individual registered in the Commonwealth of Pennsylvania to perform such duties. Land surveyors shall prepare metes and bounds descriptions. The Final Plan shall show, be accompanied by, or be prepared in accordance with the standards set forth in this Section.
- 304.B. Drafting** - The same standards as required for a Preliminary/Final Plan in Section 302.B.
- 304.C. Project Identification and Location Data** - The same standards as required for a Preliminary/Final Plan in Section 302.C.
- 304.D. Existing Features** - The same standards as required for a Preliminary/Final Plan in Section 302.D.
- 304.E. Proposed Features** - The same standards as required for a Preliminary/Final Plan in Section 302.E.
- 304.F. Plan Notes** - The same standards as required for a Preliminary/Final Plan in Section 302.F.

Section 305 Required Plans, Reports, Studies, and Other Information

- 305.A. General** – When applicable, the applicant shall submit the following plans, reports and studies and other information.
1. Phase 1 Environmental Site Assessment - A Phase 1 Environmental Site Assessment shall be provided when, in the opinion of the Borough, site conditions warrant. The assessment shall conform with the scope and limitations of the American Society for Testing and

Materials (ASTM) Standard Practice for Environmental Site Assessment Process (ASTM E-1527-05) as subsequently amended, and United States Environmental Protection Agency (U.S. EPA) Title 40 Code of Federal Regulations Part 312, Standard Practices for All Appropriate Inquiries (40 CFR Part 312) as subsequently amended.

2. Stormwater Management Report - Stormwater management plans and reports, prepared in accordance with this Ordinance.
3. Vehicle Turning Template Plan - AASHTO vehicle turning templates are required for each intersection of streets, access drives, alleys, off-street parking area and vehicle loading area. The applicant shall coordinate vehicle turning movements with the appropriate emergency response personnel. Turning templates for the design vehicles shall be used to demonstrate the adequacy of the design. Vehicles shall not encroach into other lanes or impede safe flow of traffic. Standard design vehicles are as follows:
 - a. Residential Access: AASHTO Type “P” vehicle;
 - b. Multi-Family Residential Access: AASHTO Type “SU” vehicle; and
 - c. Commercial Access: AASHTO Type “SU” vehicle, unless proposed facility warrants use of a larger design vehicle. Facilities serviced by larger vehicles shall be designed for the AASHTO Type “WB-62” with a regular cab tractor, unless the Applicant verifies that an alternate design vehicle is applicable.
4. Traffic Impact Study
 - a. A Traffic Impact Study (TIS) shall be submitted for every plan which involves one or more of the following:
 - i. Generation of greater than two hundred fifty (250) new, daily average, weekday average vehicle trips (total of inbound and outbound),
 - ii. Generation of fifty (50) or more new AM or PM peak hour trips during the peak hour of the adjacent streets,
 - iii. In the opinion of the Borough Council, there are traffic situations in the local area such as but not limited to high accident location, confusing intersection, congested intersection, or
 - iv. In the opinion of the Borough Council, there is questionable capability on the existing road system to handle increased traffic.

At the request of the applicant, the Borough has the authority to approve a waiver of the TIS.

- b. The TIS shall be prepared in accordance with the latest editions of PennDOT Publication 46 “Traffic Engineering Manual”, PennDOT Publication 282 “Highway Occupancy Permit Guidelines”; Institute of Transportation Engineers’ (ITE) Recommended Practice “Traffic Access and Impact Studies for Site Development”; and shall conform to the following subsections.
- c. Preparation by Engineer Required - The study shall be prepared by a Professional Engineer registered in the Commonwealth of Pennsylvania with sufficient prior traffic study experience to qualify the engineer to perform the study and render any opinions and recommendations set forth therein.
- d. TIS Scope and Study Area - The TIS Scope and Study Area shall be based on the characteristics of the surrounding area and the impact of the plan on the area. The intersections to be included in the TIS 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 Council, with the advice of the Borough Engineer and the Traffic Engineer preparing the TIS. The Borough Council shall approve the TIS Scope and Study Area prior to the commencement of the TIS and resolve any disputes between the Borough Engineer and the Traffic Engineer.

- e. Opening Year - The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build-out and occupancy.
- f. Horizon Year - The Horizon Year shall be assumed to be ten (10) years after the Opening Year.
- g. Traffic Data, Projections, and Analysis Periods
 - i. Traffic data used in the Study shall not be more than two (2) years old.
 - ii. Estimates of non-site traffic shall be made, and will consist of traffic generated by all other developments within the study area for which preliminary and/or final plans have been approved and traffic from background traffic growth in and around the study area. Background growth compounded annually shall be established using the greater trends or growth rates from PennDOT and the County Planning Commission.
 - iii. Analyses shall be conducted for the AM and PM peak hour periods. If the proposed development includes retail related uses, then the Saturday peak hour period shall be analyzed. Where the peak hour of the generator does not coincide with the peak hour of the adjacent street, then the peak hour of the generator shall also be analyzed.
- h. Trip Generation Rates Required
 - i. The TIS shall include a table showing the categories and quantities of land uses, corresponding trip generation rates or equations (with justifications election 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. The anticipated types and volumes of truck traffic using the site shall also be identified.
 - ii. The methodology for determining trip generations shall be mutually agreed upon by the Borough Council, with the advice of the Borough Engineer and the Traffic Engineer preparing the Study. The Borough Council shall resolve any disputes between the Borough Engineer and the Traffic Engineer.
- i. Consideration of Pass-By or Shared Trips - If pass-by trips or shared trips are a major consideration for the land use in question, studies and interviews at similar land uses must be conducted or referenced.
- j. Rate Sums - Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the TIS.
- k. Explanations Required - The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the TIS.
- l. Definition of Influence Area - Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty percent (80%) or more of the trip ends that will be attracted to the development. A market study can be used to

establish the limits of an influence area, if available. If no market study is available, an influence area should be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments. 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.

m. Estimates of Trip Distribution Required

- i. Trip distribution can be estimated using (1) analogy, (2) trip distribution model, or (3) surrogate data.
- ii. The methodology for determining trip distribution shall be mutually agreed upon by the Borough Council, with the advice of the Borough Engineer and the Traffic Engineer preparing the Study. The Borough Council shall resolve any disputes between the Borough Engineer and the Traffic Engineer.
- iii. Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multi-use development may require more than one distribution and coinciding assignment for each phase (e.g., residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions.

n. Trip Assignments

- i. Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates, rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and, in large projects (those producing five hundred [500] or more additional peak direction trips to or from the site during the 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.
- ii. The methodology for determining trip assignments shall be mutually agreed upon by the Borough Council, with the advice of the Borough Engineer and the Traffic Engineer preparing the TIS. The Borough Council shall resolve any disputes between the Borough Engineer and the Traffic Engineer.
- iii. If a thorough analysis is required to account for pass-by trips, the procedures shall determine the percentage of pass-by trips in the total trips generated; estimate a trip distribution for the pass-by trips; perform two separate trip assignments, based on the new and pass-by trip distributions; and combine the pass-by and new trip assignment.
- iv. 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.

o. Total Traffic Impacts - 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 TIS should clearly depict the total traffic estimate and its components.

- p. Analysis
- i. Traffic analyses shall be completed for the existing conditions and Opening Year and Horizon Year, both without and with development. Analyses may consider proposed roadway improvements only if said improvements have funding committed by the sponsoring agency.
 - ii. Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the study area. In addition, analyses must be completed for roadway segments, deemed sensitive to site traffic within the study area.
 - iii. The recommended level of service analysis procedures detailed in the latest edition of the Highway Capacity Manual must be followed. The operational analyses in the Highway Capacity Manual should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric and control parameters can be established.
 - iv. Traffic Signal Warrant analyses based on the Manual for Uniform Traffic Control Devices (MUTCD) shall be completed for each unsignalized intersection which is shown to have an approach operating at an LOS "E" or "F."
 - v. Where existing traffic signals are projected, analyses of the need for signalized left-turn phases shall be completed in accordance with PennDOT Publication 149.
 - vi. Queue length analyses shall be completed for each lane group. The need for acceleration and deceleration lanes shall be presented in the study. The need for right- and left-turn lanes shall also be evaluated in accordance with PennDOT Publication 46.
- q. Required Levels of Service - The TIS shall identify the mitigation improvements necessary to return any drop in LOS to the without development condition. The applicant shall be responsible for the improvements required to meet PennDOT requirements as may be modified by the Borough to:
- i. Provide safe and efficient movement of traffic within the site and on surrounding roads.
 - ii. Minimize the impact of the project upon non-site trips.
- r. Documentation Required
- i. A TIS shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the Study. The Borough may, by waiver, allow an abbreviated TIS when sufficient data is available to identify levels of service and required improvements, provided the applicant contributes a fair share of the improvement cost.
 - ii. The documentation for a TIS shall include, at a minimum:
 - (1) Statement of purpose and objectives.

- (2) Description of the site and study area. This site description shall include the size and location of existing and proposed land uses, current zoning, project phasing and opening/build-out year. Provide a description of the internal transportation system, including proposed vehicular, pedestrian and bicycle circulation, recommendations for traffic control and traffic calming devices and parking conditions. Provide a description of the external transportation system to include functional classification, ADT, right-of-way, cartway and shoulder widths, posted speed limits, and intersection controls and channelization.
 - (3) Existing conditions in the area of the development.
 - (4) Recorded or approved nearby development.
 - (5) Trip generation, trip distribution, and modal split.
 - (6) Projected future traffic volumes.
 - (7) An assessment of the change in roadway operating conditions resulting from the development traffic.
 - (8) Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
 - (9) An estimate of pedestrian trips generated by the proposed development, and a distribution of those trips. Also include a description in the study of pedestrian facilities in and near the proposed development.
 - (10) An executive summary of one or two pages, concisely summarizing the purpose, conclusions and recommendations.
- iii. 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.
 - iv. 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.
 - v. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
 - vi. The study documentation outlined above provides a framework for site traffic access/impact studies. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements and the TIS results may warrant additional sections.

5. Water Resources Impact Report

- a. Warrant - A Water Resources Impact Study is required when an application is not under the jurisdiction of the PA DEP or SRBC or will not be served by public water supplied by an Authority (approved by the Borough) and one or more of the following conditions are met:

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- i. Individual, private on-site wells and distribution systems, in which lots will rely on groundwater as the primary source of drinking water, are proposed for use in residential subdivisions containing three (3) lots or more;
 - ii. The non-residential subdivision contains three (3) lots or more; or
 - iii. A proposed well is intended for non-residential use (i.e., industrial, commercial, geothermal heating/cooling, institutional and/or agricultural).
- b. Report – A report shall be prepared by a qualified Professional Geologist registered in the Commonwealth of Pennsylvania. The report shall include the following:
- i. Calculations of the projected water needs using the criteria set forth in Public Water Supply Manual, Bureau of Water Quality Management, Publication Number 15, PADEP, Harrisburg, PA. and Guide for Determination of Required Fire Flow, by the Insurance Services Office (ISO) as modified;
 - ii. Geologic map of the area within a one (1) mile radius of the study site.
 - iii. Locations of all closed depressions, faults, lineaments, fracture traces, ghost lakes, sinkholes, caverns, underground shafts, etc., within one quarter (1/4) mile of the study site;
 - iv. Locations of all existing and proposed wells within one quarter (1/4) mile of the study site and of all large withdrawal wells ten thousand (10,000) gallons per day or greater within one (1) mile radius of the study site;
 - v. Locations of all existing and proposed on-lot septic systems within one quarter (1/4) mile of the study site;
 - vi. Locations of all perennial and intermittent streams and all known point and non-point sources of pollution within one quarter (1/4) mile of the study site;
 - vii. Description of the aquifer characteristics underlying the site and their long-term drought recharge capability based on site-specific investigation. Analysis is not required to perform pumping tests and may base the discussion of long-term drought recharge capability on accepted published data;
 - viii. Based on the drought recharge capability and the calculated daily groundwater withdrawals of the project, a hydrologic budget shall be estimated for the property itself and for the area within a one quarter (1/4) mile of the study site;
 - ix. A determination, aided by the results of the hydrologic budget, of whether the potential exists for adverse effects on the hydrologic environment by the proposed subdivision or land development, should be provided.
 - x. The report should include a statement of qualifications of the person(s) preparing the study.
 - xi. Applications proposing a new centralized water withdrawal and distribution are subject to the following groundwater monitoring plan:
 - (1) At least one (1) test well shall be constructed for each community well to be drilled. During construction, the driller shall keep an accurate geologic log of the type and thickness of rocks encountered, and of the depth and thickness of all water-bearing zones encountered and the yield from each water-bearing zone;

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- (2) Samples shall be collected every twenty (20) feet during drilling and at every change in rock type. Each sample shall be placed in a non-breakable container and shall be made available to the Borough;
- xii. A pump test shall be conducted on each pumping well. The following minimum procedures shall apply to the pump test(s):
- (1) Prior to pumping, the static water level shall be recorded in all wells, including test wells and monitoring wells;
 - (2) The test well shall be pumped at a flow rate of 150% of the intended long-term withdrawal for a minimum of 24 hours. The constant pumping rate shall not deviate more than plus or minus five percent ($\pm 5\%$). An interruption of the test pumping shall require extension of the test period subject to approval by the Borough;
 - (3) Frequency and types of water level measurements shall comply with PADEP regulations and guidelines;
 - (4) A Theis (or Theis-equivalent) Curve shall be produced from the pump test, which shall be reviewed by the Borough or their representative to determine whether discharge rates are to be considered acceptable. The Theis Curve shall be produced by a Professional Geologist registered in the State of Pennsylvania;
 - (5) During the pump test, if present, a representative number of existing wells within one-quarter mile of the study area, and representing the hydrogeology of the surrounding area around the pumping well and subject to the approval of the Borough, shall be monitored for changes in water level;
 - (6) Sufficient numbers of monitoring wells shall be constructed, subject to the approval of the Borough, to allow for the construction of hydrographs showing a record of well levels before, during, and after the pumping test;
 - (7) A means of accurately measuring the well discharge shall be provided, subject to approval by the Borough;
 - (8) Well discharge shall be directed away from the wellhead by a method suitable to the Borough and a point suitable to the Borough, following all applicable PA DEP guidelines;
 - (9) Records on the above must be compiled in typewritten form and provided to the Borough and shall include the following information:
 - (a) The name of the driller and the personnel conducting the pump test.
 - (b) Complete description of the test well or wells to include the horizontal and vertical dimensions, casing installed, casing details, and grouting details.
 - (c) List and description of formation samples.
 - (d) Static water level immediately prior to yield testing
 - (e) Hydrograph of depth-to-water surface during test pumping and recovery period at the test well(s) showing corresponding pump and

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- discharge rate in gallons per minute and the time readings were collected.
- (f) Log of depth-to-water surface of existing and monitoring wells during test pumping period showing time reading were taken.
 - (g) Reason for any deviations from the above.
- (10) The water quality of the aquifer should also be assessed.
- (a) Where no centralized water system is proposed, a minimum of three (3) groundwater samples, subject to the approval of the Borough, should be collected. It is preferred that at least one of the samples be collected from the study site. Groundwater samples should be analyzed, at a minimum, for pH, total and fecal coliform, and Nitrates.
 - (b) Where a centralized water system is proposed a groundwater sample should be collected at the conclusion of the pump test, according to PADEP guidelines. Groundwater samples should be analyzed, at a minimum, for pH, total and fecal coliform, and Nitrates.
- (11) The Borough may request additional sampling parameters based upon site conditions.
- xiii. If a pump test is included, the Report shall include the test well data. The Report shall analyze and interpret all of the data as to the impact on the groundwater supply and existing wells. Conclusions shall be drawn from the analysis as to the appropriateness of the site for the proposed water supply and distribution system. The credentials of the individual(s) shall be included.
 - ix. Submission to the Borough shall include any and all applications, Reports, or supplemental information submitted to the PADEP, Susquehanna River Basin Commission, or other governmental or quasi-governmental agency.
 - x. An applicant that is required to drill monitoring wells as part of the Report shall provide to the Borough a perpetual easement the Borough access to the monitoring well(s) for the purpose of ongoing monitoring of water levels in the Borough.
6. Additional Studies and Reports - The Borough may require the applicant to prepare studies, data and reports that address the proposal's coordination with the existing facilities necessary to service the development and Borough according to the standards of this Ordinance, or to the level of service that existed prior to the development.
- 305.B. Other Information** - Prior to application approval, and where applicable, the application shall include the following information.
- 1. Current deed for the subject property;
 - 2. Controlling agreements for easements and rights-of-way that are not offered for dedication to public use;
 - 3. Controlling agreements from adjacent property owners where the natural drainage discharge is altered;

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4. When sewage disposal service is individual on-lot sewage disposal systems, documentation as to the feasibility of on-lot sewage disposal systems;
 5. When sewage and/or water service is to be provided by a public system, notice from the agency, authority, or utility which states that it can adequately serve the development; and
 6. Proposed deed restrictions and other covenants.

305.C. Prerequisite to Recording – The following requirements must be satisfied prior to recording:

1. Fully executed subdivision and land development Improvements Agreement;
2. Fully executed easement agreements in favor of the Borough; and
3. All required outside agency permits and approvals.

Section 306 Lot Line Adjustment Plan Application

306.A. General - The Lot Line Adjustment Plan Application shall be prepared according to the Final Plan standards in Section 304.

Section 307 Revised Final Plan Application

307.A. General - The Revised Final Plan Application shall be prepared according to the Final Plan standards in Section 304.

Article 4

Reimbursable Fees, Developer's Expense Escrow Account, Improvements Agreement, Financial Security and Maintenance Guarantee

Section 401 General

- 401.A. Compliance with Ordinance** - No project shall be considered in compliance with this Ordinance until the developer constructs and installs all required improvements according to the approved plan, Borough approval, improvements agreement, permits, and all applicable laws, ordinances, and resolutions including, but not limited to, those relating to review fees, inspection fees, and security.
- 401.B. Developer's Responsibility** - The developer shall pay all costs connected with the design, acquisition of materials, acquisition or interest in lands, installation of required improvements, cost of dedication related to improvements, and Borough fees. The developer shall obtain and maintain in full force and effect all required approvals and permits. The developer shall comply with all resolutions relating to payment of consultant review fees and maintain a developer's expense escrow account.
- 401.C. Required Submission** - The developer of projects that include required improvements or shall provide the Borough, and where relevant the Borough Authorities, an executed improvement guarantee (whether by posting financial security or installation of required improvements pursuant to a preliminary plan), up-to-date expense escrow, executed improvements agreement and, as necessary, post financial security as required by the Borough. With an offer of dedication, the developer is required to provide dedication documents, easement documents, bills of sale, and maintenance guarantee.
- 401.D. Start of Construction** - Unless authorized by the Borough, no work shall commence until the developer complies with Section 206:

Unless authorized by the Borough, no work shall commence until:

1. All required Federal, State and local permits and approvals are received;
2. The developer reimburses the Borough for all review fees and any other sums due and owing which relate to the subject property;
3. The improvements agreement is executed;
4. The developer's expense escrow account is established and funded;
5. Approved financial security (if applicable) is provided;
6. Approved insurance is provided;
7. A pre-construction conference is conducted with Borough staff; and
8. A notice to proceed is issued in writing by the Borough.

- 401.E. Private Work** - Work to be executed by the developer pursuant to the approved plan or improvements agreement shall not be considered "Public Work" within the meaning of the Pennsylvania Prevailing Wage Act, and funds received by the Borough from security established pursuant to this Ordinance shall not be considered "funds of a public body." The bidding requirements of the Borough Code shall not apply.
- 401.F. Security for Utilities** - Financial security as otherwise required by this Article does not apply to sanitary sewer and water supply facilities that are:
1. Installed under the jurisdiction and pursuant to the rules and regulations of a public utility or an Authority other than the Borough Authorities, and
 2. Subject to financial security to assure proper completion, and maintenance thereof is posted in accordance with the regulations of the controlling public utility or Authority,
- 401.G. Security for State Routes** - Financial security as otherwise required by this Article does not apply when financial security is required by, and provided to, PENNDOT in connection with the issuance of a Highway Occupancy Permit pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law".
- 401.H. Developer Default** - Where required improvements have not been properly or timely completed, or where the developer otherwise breaches any of the terms and conditions of the improvements agreement; the Borough may claim against the financial security posted by the developer and undertake to install, construct, erect and/or complete such portions of the improvements as are then not completed, repaired or replaced as well as any portions of the improvements deemed defective or deficient, or otherwise cure the developer's default or breach. The Borough may use the security to pay for all costs (including fees for engineers, attorneys and other necessary consultants) incurred in identifying, inspecting, enforcing and completing the developer's obligation. To complete the work, the Borough may do some or all of the work using its own labor force (and reimburse itself for all of the direct and indirect costs thereof including, but not limited to, employee wage and benefits costs, insurances, and engineering, legal, and consulting fees) and/or may contract directly with third parties. The Borough shall not be required to bid any work, and the developer shall become immediately responsible to pay to the Borough any deficiency incurred as a result of the default or breach. The Borough shall retain all other rights and remedies to secure compliance with the conditions of approval, the terms of the improvements agreement and completion of the work.
- 401.I. Violations of Improvements Agreement** – In addition to any other remedies at law or equity, any violation of this Article, including the terms of any improvements agreement shall be subject to the penalties and remedies afforded by the MPC.

Section 402 Reimbursable Fees

- 402.A. General Requirements** - The developer shall provide an escrow account at the time an application for subdivision or land development is filed with the Borough. The escrow account is for reimbursement to the Borough for consultant review fees and other associated cost and fees relating to the project. The escrow account shall comply with the provisions of the approved Borough resolution. The escrow account shall be held in the name of, and be administered by, the Borough for payment of all costs incurred by the Borough and to be reimbursed by the developer pursuant to this Ordinance. The account shall be irrevocable and the funds may not be withdrawn or reduced in amount by other than the Borough.
- 402.B. Duty to Replenish** - At such time as the funds held in the escrow account are depleted by one-half (1/2) prior to project close-out, the developer shall deposit into the escrow account additional funds as shall be determined by the Borough, not to exceed the original escrow amount. Such funds shall

be provided to the Borough within ten (10) business days of the date of the Borough's written request for same. Any failure of the Borough to notify the developer of a deficiency in an escrow account or any failure to demand escrow account replenishment, shall not constitute a defense to, or waiver of, any claim by the Borough to be reimbursed for fees paid or incurred by the Borough in connection with the review, observation, and comment on the developer's application, and construction of the public improvements and common amenities contemplated by the developer's preliminary or final plan.

- 402.C. Developer Responsibility to Reimburse Borough** - In accordance with the MPC and any improvements agreement, the developer shall reimburse the Borough for all professional consultant review fees as herein defined. No construction contemplated by a plan shall commence and no recording of a plan shall occur until all consultant review fees paid or incurred by the Borough are reimbursed by the developer.
- 402.D. Other Reimbursable Fees** - In addition to consultant review fees, the developer shall pay or reimburse to the Borough administrative document processing, notary fees, recording fees, and such other fees as may occur.
- 402.E. Payment Schedule** - No construction of required improvements contemplated by an application shall commence and no recording of a Plan shall occur until all fees paid or incurred by the Borough are paid by the developer in accordance with this Ordinance, applicable resolutions and/or the improvements agreement, as applicable.
- 402.F. Expense Escrow Account** - Following application approval and as a condition of recording a Plan, in order to fund and secure the developer's obligations, the developer shall enter into an appropriate agreement with the Borough and a developer's expense escrow account pursuant to Section 403 of this Ordinance.
- 402.G. Interest Charged on Unpaid Fees** - In the event that the Borough issues an invoice for charges in excess of the existing escrow account balance, in addition to the obligation to replenish the escrow account, the developer shall pay all sums due and owing as reflected on the invoice within thirty (30) calendar days of the date thereof. Thereafter, the unpaid balance of fees shall incur interest at the rate of one and one-half percent (1.5%) per month, not to exceed eighteen percent (18%) per annum (not compounded).
- 402.H. Failure to Pay Fees and Maintain Funds** - A failure by the developer to timely replenish an escrow account or to pay the Borough's bill for consultant review fees may in the sole discretion of the Borough result in the imposition of any or all of the preventive remedies found in Section 515.1 of the MPC, and/or the issuance of a "Stop-Work Order." In addition to these remedies the Borough shall retain the right to initiate and prosecute actions at law or in equity to obtain payment and/or reimbursement of consultant review fees. In the event that the Borough shall initiate suit to recover consultant review fees, the Borough shall be entitled to claim and recover all costs, witness fees, expert witness fees and reasonable attorney fees relating to the prosecution of the claim.
- 402.I. Fee Disputes** - If, in accordance with the requirements of the MPC, a developer disputes the reasonableness or necessity of a consultant review fee, any appeal taken and perfected shall not stay the developer's obligations to pay or reimburse the Borough hereunder, and the developer shall pay to the Borough the full amount of the consultant review fees then due and owing without deducting from the sum in dispute.

Section 403 Improvements Agreement

403.A. Agreement Required - Where an approved application includes required improvements or common amenities, the developer shall enter into a written improvements agreement providing for construction standards, financial security, expense escrow funds, maintenance guarantees, insurance, indemnification, and such other matters as the Borough shall deem necessary construct the approved application.

403.B. Insurance - The improvements agreement shall include, at a minimum, the following provisions related to insurance. Upon request, full copies of the insurance policy shall be provided to the Borough. Failure to comply with this Section shall constitute a violation of this Ordinance.

1. The developer shall obtain and maintain in full force and effect until eighteen (18) months after the required improvements have been finally approved or, if appropriate, dedicated or sold to the Borough, whichever is later, the following insurance policies and coverage:
 - a. Comprehensive Commercial General Liability Insurance coverage including "premises operations" coverage in the amount of \$2,000,000.00 and "products and completed operations" coverage in the amount of \$2,000,000.00, and with respect to both, naming as additional insured "New Freedom Borough and its Boards, Commissions and Authorities (including the individual members thereof) and their elected and appointed officers, officials, employees, professional consultants and agents" for any and all claims arising out of or relating to the performance of this Agreement;
 - b. Owners and Contractors Protective Liability insurance in the amount of \$2,000,000.00, naming as additional insured "New Freedom Borough and its Boards, Commissions and Authorities (including the individual members thereof) and their elected and appointed officers, officials, employees, professional consultants and agents" to provide liability coverage for any and all claims arising out of or relating to the negligent acts or omissions of independent contractors or subcontractors which arise out of or relate to the performance of this Agreement; and
 - c. Commercial Motor Vehicle Insurance coverage.
2. The developer shall cause each insurance policy to include an endorsement which provides that the policy shall not be cancelable or subject to any amendment reducing the amount or breadth of coverage without at least thirty (30) days advance written notice to the Borough, via certified mail, at 49 East High Street, New Freedom, Pennsylvania 17349-9665.
3. Each policy of insurance obtained pursuant to this Section shall contain an endorsement making the same applicable solely to the application and the premises. A general policy applicable to other operations of the developer shall not be deemed to comply with these requirements
4. Each policy of insurance obtained pursuant to this Section shall contain an endorsement which provides that with respect to the additional insured, the additional insurance provided shall be primary over all other applicable policies of insurance maintained by the additional insured.
5. The developer shall furnish to the Borough a copy of each policy and all endorsements and proof of payment of the annual premium, and thereafter at least annually, provide a certificate of insurance evidencing continuing compliance with this Section.
6. The developer shall require all contractors installing, constructing, erecting or completing the required improvements before commencing any work in connection with the application to provide to the developer and the Borough certificates of insurance evidencing that each such

contractor has in force and effect the insurance policies and coverage identified in sub-section 1, above, and the endorsements identified in sub-sections 2 through 4 above.

- 403.C. Indemnification** - The developer shall indemnify, defend and hold harmless "New Freedom Borough and its Boards, Commissions and Authorities (including the individual members thereof) and their elected and appointed officers, officials, employees, professional consultants and agents" from demands, claims, suits, actions or judgments of and from all damages or expenses on account of personal injury, death or property damage arising out of or relating to the plan, or the conditions of approval of the plan, or any work performed by or on behalf of the developer in connection with the plan or conditions of approval of the plan.
- 403.D. Assignment of Improvements Agreement** - The improvements agreement shall not be assigned without the prior written approval of the Borough and under terms and conditions acceptable to the Borough. No assignment shall relieve the assignor of its duties and obligations to the Borough under the improvements agreement.

Section 404 Financial Security

- 404.A. Requirement of Financial Security** - Upon application approval by the Borough Council and in lieu of completing the required improvements of a plan prior to approval, an improvements agreement shall be executed by the developer, providing for financial security to secure the completion of construction of the required improvements. Financial security shall be calculated and provided in accordance with the MPC, this Ordinance, conditions of application approval, and applicable Borough resolutions.
- 404.B. Forms of Security** – Unless otherwise permitted by the Borough, financial security shall be in the form that is consistent the MPC. Acceptable financial institutions shall include Federal institutions authorized to conduct such business within the Commonwealth and maintain an office in the York County area where claims against the security may be presented.
- 404.C. Amount of Financial Security** - The financial security shall be in an amount equal to one hundred ten percent (110%) of the cost of completion of the required improvements (which includes contingency allowances), estimated as of ninety (90) days following the date scheduled for completion.
- 404.D. General Construction Schedule** - The submission of a financial security estimate to the Borough shall be accompanied by a general construction schedule setting forth the estimated dates of commencement and completion for the project. For projects with an anticipated duration greater than one (1) year, the developer's engineer shall adjust the financial security estimate to reflect an increase of ten percent (10%) per year for every year thereafter.
- 404.E. Posting of Additional Security** - If the financial security estimate fails to adequately address or excludes any necessary required improvements of the project because of oversight, because the need for the same was not anticipated by the engineers preparing or reviewing the plan and/or the cost estimates submitted pursuant thereto, or because of unanticipated field conditions, then the developer nevertheless shall be solely responsible for the installation, construction, erection and/or completion of the same and the cost thereof, and the Borough, upon discovery that certain required improvements are not included in the engineering estimate or that the estimate is not properly calculated or is understated, may require the developer to post additional security in an amount adequate to address the deficiency as a condition precedent to proceeding with the development.
- 404.F. Adjustment of Security** - If is the required improvements are not completed by the completion date set forth in the original construction schedule, the Borough Engineer may annotate the improvements security release forms to reflect one hundred ten percent (110%) of the cost for the

completion of the remaining required improvements estimated as of ninety (90) days following the original date scheduled for completion or a rescheduled date of completion, and the developer shall post the revised security.

- 404.G. Term of Security** - The developer shall maintain security for a minimum of ninety (90) calendar days after the scheduled completion date of construction unless a different date is established in the improvements agreement.
- 404.H. Approved Claim Form** - The developer shall provide to the Borough a sample claim form, acceptable to the financial institution, for use by the Borough in making claims against the security.
- 404.I. Irrevocable Security** - The financial security shall be irrevocable during the term thereof, and shall automatically renewable unless thirty (30) days written notice is provided to the Borough. The amount of security shall not be reduced except pursuant to written and signed authority by an authorized Borough official. Minutes of meetings of the Borough Council or other Borough Authorities authorizing the reduction in financial security shall not constitute written authorization hereunder.
- 404.J. Assignment of Security** - The security shall not be assignable to other parties without prior written authority of the Borough. A general assignment of the security is not a release of liability from the assignor.
- 404.K. Reduction of Security** - The Borough shall reduce the amount of financial security in accordance with the requirement of the MPC, and applicable Borough resolutions.

Section 405 Maintenance Guarantee

- 405.A. Warranty on Structural Integrity and Function** - The developer warrants the structural integrity and function of all improvements to be conveyed or offered for dedication to the Borough in accordance with improvements agreement for an eighteen (18) month period following the date of acceptance of the conveyance or dedication. During the warranty period, the developer shall repair, restore, or replace all work determined by the Borough to be defective.
- 405.B. Required Maintenance Guarantee** – A maintenance guarantee shall be provided by the developer to secure its obligation to repair, restore, or replace defective work that effects the structural integrity and function of all improvements that are offered for dedication or conveyance to the Borough. The maintenance guarantee shall be submitted as a condition of the Borough acceptance of the offer of dedication.
- 405.C. Duration of Maintenance Guarantee** - The maintenance guarantee shall be in effect for a period of eighteen (18) months from the date of acceptance of dedication or sale to the Borough.
- 405.D. Amount of Security** – Security for the maintenance guarantee shall be fifteen percent (15%) of the actual cost of installation of the improvements.
- 405.E. Type of Security** – Unless otherwise agreed to by the Borough, the maintenance guarantee shall be in the same form as that used to secure the construction of improvements.
- 405.F. Irrevocable Maintenance Guarantee** - The maintenance guarantee shall be irrevocable and may not be withdrawn or reduced in amount without the consent of the Borough.

Design Standards

Section 501 General

501.A. Other Standards and Requirements

1. The standards and requirements contained in this Article shall apply as minimum design standards for subdivisions and/or land developments. Whenever other Borough ordinances, rules, resolutions, or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.
2. Unless otherwise specified, all references in this Ordinance to documents, regulations, ordinances, rules and other material are to the latest edition, including amendments, replacements, revisions and/or superseding.
3. Subdivisions and/or land developments shall be designed to comply with:
 - a. New Freedom Borough Zoning Ordinance;
 - b. New Freedom Borough Official Map;
 - c. Rules and regulations of the New Freedom Borough Authority;
 - d. New Freedom Borough standard construction documents;
 - e. Regulations of Pennsylvania Department of Environmental Protection;
 - f. Pennsylvania Department of Transportation Design Manual Part 2, Highway Design;
 - g. AASHTO A Policy on Geometric Design of Highways and Streets;
 - h. All applicable local, State and Federal rules and regulations, and
 - i. Commonly accepted engineering standards.
4. Where no written standard applies, the development shall be designed to an acceptable industry standard as determined by the Borough Engineer.
5. Whenever the Borough Zoning Ordinance provides that the use proposed by the developer for subdivision and/or land development approval shall constitute a use by special exception or a conditional use, the plan shall be designed and developed in accordance with any conditions which have been imposed by the Zoning Hearing Board or the Borough Council, as applicable.
6. Whenever the developer proposes to develop a subdivision and/or land development in a manner that would require a variance from any requirements of the Borough Zoning Ordinance, the plan shall be designed and developed in accordance with any conditions which have been imposed upon the granting of such variance or variances by the Zoning Hearing Board.

- 7. The developer shall obtain all required easements and rights-of-way to the satisfaction of the Borough. Under no circumstance shall the Borough be obligated to secure easements or rights-of-way. All easements and rights-of-way shall be in the form of a written agreement prepared to the satisfaction of the Borough.
- 8. To the extent the design standards contained in this Ordinance differ (more or less restrictive) from the Urban Mixed Use provisions of the Township Zoning Ordinance, the standards of the Zoning Ordinance shall govern.

501.B. Environmental Protection - Characteristics, such as site configuration, geology, soil, topography, body of water, ecology, vegetation, structures, road network, visual features and past/present use shall be considered in the design of the proposal. To the greatest extent possible, designs should preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize negative impacts and alteration of natural features.

501.C. Land Requirements - No subdivision and/or land development shall occur in such a way that would threaten the public health and safety including hazards of toxic substances, traffic hazards, explosive hazards and/or fire hazards. Land shall be suitable for the purpose for which it is to be subdivided and/or developed. Land subject to hazardous conditions, such as open quarries, mines, mine shafts, sinkholes, limestone solution channels, unconsolidated fill, flooding, excessive erosion, unsafe water supply or hazardous or toxic site pollution, shall not be approved for subdivision and/or land development until the developer has provided, or has legally committed to provide, adequate measures to overcome or eliminate, mitigate and/or safeguard against such hazards, in the determination of the Borough Council, to the best of their knowledge. However, the Borough accepts no responsibility to identify or to guarantee their resolution.

501.D. Coordination With Nearby Development - A subdivision and/or land development and its street pattern shall be coordinated with existing or approved nearby developments or neighborhoods, to develop the area and the community harmoniously, and to prevent conflicts between neighboring development.

501.E. Design Goals - The development shall be designed to minimize impervious cover and to mitigate adverse effects of shadow, noise, glare, odor, traffic, drainage, and utilities on neighboring properties.

501.F. Conformance With Adopted Plans - Design of the development shall take into consideration or where required, comply with all adopted Borough, County and State plans for the Borough and surrounding community.

Section 502 Proposed Streets

502.A. General

- 1. Arrangement of Streets - Streets shall be designed to:
 - a. Permit the safe, efficient, and orderly movement of vehicles and facilitate adequate access for emergency vehicles;
 - b. Provide, when possible, two directions of vehicular access to and within a development;
 - c. Meet the needs of the present and future population;
 - d. Provide a simple and logical pattern;
 - e. Function under a hierarchy system where the intensity of intersections decreases as traffic volumes and speed increase;

- f. Respect the natural features and topography;
 - g. Present an attractive streetscape; and
 - h. Harmonize with existing streets forms and patterns.
2. Street Classification - Classifications for proposed streets are as follows:
- a. **ARTERIAL** - A street used primarily for through traffic that maximizes mobility over land access through infrequent driveway intersections. This type of roadway typically connects urban centers with outlying communities and employment or shopping centers.
 - b. **COLLECTOR** - A street used primarily for moving traffic from local streets to the major system of arterial streets and/or linking those streets to community wide activity centers, including but not limited to the large residential developments, commercial and industrial areas, smaller rural settlements.
 - c. **LOCAL** - A street used primarily for immediate access to adjoining land uses and are generally separated from through traffic. These roads are generally intended for transportation within a particular neighborhood, serving internally developed areas, while in outlying rural areas, local roads tend to run for great distances and serve more individual properties.

502.B. Street Function

1. Where the Borough deems appropriate, streets shall be designed to form continuations of streets with similar function and to access streets of a greater function.
2. Local streets shall be laid out to discourage use as a collector street or arterial, and discourage excessive speeds.
3. Where vehicular circulation and safety considerations necessitate providing for street access to adjacent property, streets shall be extended by dedication to the boundary of such property. Streets shall provide an interconnected network of for efficient trips within the neighborhood and more appropriately accommodates pedestrian, and bicycle oriented trips.
4. No vehicular access is permitted along an arterial street when alternative access is possible from a street of less classification.
5. Access to arterial streets should be designed for use by adjoining properties to coordinate and reduce the number of access points. Shared access drives, feeder roads, marginal access streets, reverse frontage lots, or other such treatment should be utilized to reduce the number of intersections along arterial streets.

502.C. Street Provisions for Future Development

1. Where the Borough deems appropriate, areas shall be reserved for future streets in conjunction with the development of adjacent land. Areas reserved for future streets shall include sufficient area to establish street and lot grades and the extent of area necessary to construct the street. The Borough may require the extension of sanitary sewer and water supply lines within the future street. An agreement satisfactory to the Borough shall be submitted for the construction and future removal of the temporary turnaround.
2. Wherever there exist a dedicated or platted area reserved for future streets along the boundary of a property being developed, the adjacent street shall be extended into the proposed project.

3. When connecting a proposed street to an existing temporary cul-de-sac, such connection, and all work required to restore the adjacent lots in the area of the existing turnaround shall be the responsibility of the developer proposing the connection.

502.D. Street Sign, Traffic Controls, and Street Names - Street signs, traffic controls and parking controls shall be constructed and installed by the developer according to the specifications of the Borough and PennDOT. Streets that are continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets within the same postal area. All new street names are subject to approval of the Borough and if applicable U. S> Postal Service and York Coun ty 911 Agency.

502.E. Vertical Street Alignment

1. Street Grade - Vertical street alignments shall be measured along the centerline. The minimum grade of all streets shall be one percent (1%) unless in a transition between a crest or sag. The maximum grade for streets shall not exceed ten percent (10%). Local streets, where access is also available over streets with ten percent (10%) or less, may have grades up to twelve percent (12%). A cul-de-sac street shall not exceed ten percent (10%) and the cross-slope of a turnaround shall not exceed five percent (5%).
2. Vertical Curve - Vertical curves shall be used in changes of grade exceeding one percent (1%). The minimum lengths (in feet) of vertical curves shall be according to AASHTO *A Policy on Geometric Design of Highways and Streets*. Vertical curves shall be consistent with the proposed posted speed limit. The development plan must identify the designated design speed for each street. The designated design speed is subject to Borough approval. The posted speed limit shall not exceed the design speed limit.
3. Street Grade at Street Intersection - A leveling area shall be provided where the approaching grade, within one hundred feet (100') of the centerline intersection, exceeds seven percent (7%) on streets at a four-way street intersection, or the terminating street at a three-way intersection. Such leveling area shall have a maximum grade of five percent (5%) for a minimum length of one hundred feet (100') measured from the intersection of the centerlines.
4. Street Grade at Street Turnaround - The grade, in all directions, within the diameter of a turnaround and along the curb line at the terminus of a permanent cul-de-sac shall be at least one percent (1%) and not exceed five percent (5%) in all directions.
5. Street Side Slope - All areas within the street right-of-way shall be graded substantially consistent with the street centerline. The maximum slopes of banks located outside of the street right-of-way, and guide rail protection shall be constructed according to New Freedom Borough Standard construction documents.

502.F. Horizontal Street Alignment

1. Horizontal Curves - Horizontal curves shall be used at all angle changes. Horizontal street alignments shall be measured along the centerline. Single, long radius curves shall be used, rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments. The minimum centerline radii for horizontal curves shall be according to AASHTO *A Policy on Geometric Design of Highways and Streets*. Horizontal street alignments shall be consistent with the proposed posted speed limit. The development plan must identify the designated design speed for each street. The designated design speed is subject to Borough approval. The posted speed limit shall not exceed the design speed limit.

2. Perimeter Street - Where streets are located along the perimeter of a property, the developer shall provide building setback lines, grading and clear sight triangles within the adjacent properties. Permission for these encroachments shall be obtained by the developer in the form of an easement or right-of-way agreement from the adjacent landowner.
3. Cartway Alignment - The centerline of the street cartway shall correspond with the centerline of the street right-of-way.
4. Intersection - Right angle intersections shall be used whenever possible. No street shall intersect another at a centerline angle of less than seventy-five degrees (75°), or more than one hundred and five degrees (105°). Intersections shall be approached on all sides by a straight centerline with a minimum length of fifty feet (50’).

502.G. Street Right-of-Way, Cartway Width, and Improvement Specification - All streets shall be designed and constructed in accordance with:

1. New Freedom Borough standard construction documents, PennDOT *Design Manual Part 2, Highway Design, and AASHTO A Policy on Geometric Design of Highways and Streets*.
2. The required minimum right-of-way width and cartway width shall be as follows:

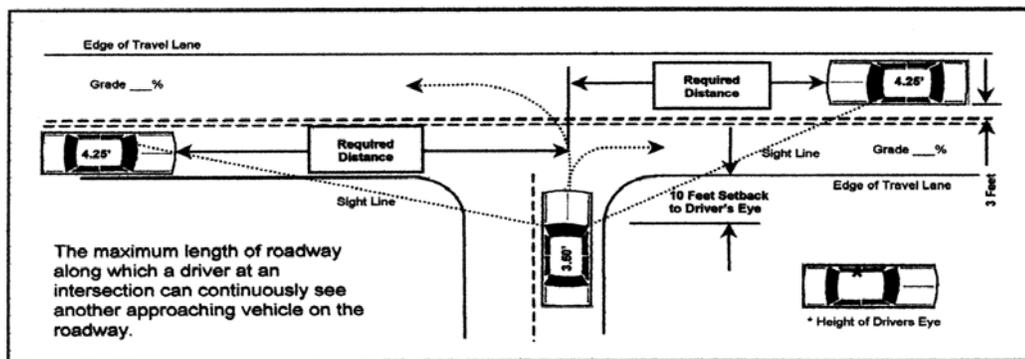
Type of Street	Right-of-Way Width	Cartway Width
Provides access to non-residential land use and residential land use at a density (as defined in the Zoning Ordinance) in excess of six (6) dwelling units per acre, or non-residential use.	60 feet	36 feet
Provides access to a residential land use with a density (as defined in the Zoning Ordinance) less than six (6) dwelling units per acre.	50 feet	28 feet
Provides access to a residential land use with a 150 foot frontage per dwelling.	50 feet	20 feet

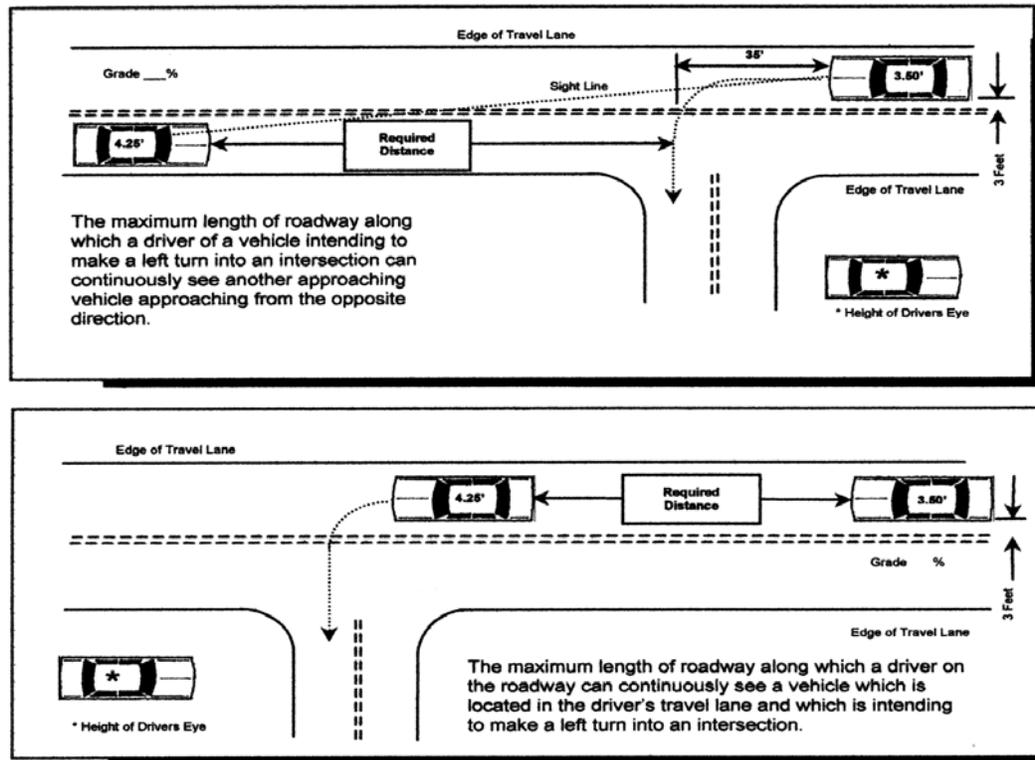
502.H. Traffic Calming Measures - The Borough may require the installation of “traffic calming measures” for streets. Traffic calming measures are devices, systems and programs described in PennDOT, Bureau of Highway Safety and Traffic Engineering, Publication 383, dated January 2001 and known as “Pennsylvania’s Traffic Calming Handbook” (Publication No. 383). The criteria used to determine the necessity, location, design, and construction of traffic calming measures, including all related warnings, signs, and markings shall be in accordance with accepted traffic engineering principles and Publication No. 383.

502.I. Street Intersection

1. State Route - All intersections with a State Route shall be subject to the approval of PennDOT. The developer shall include Borough comments with the submission of a PennDOT Highway Occupancy Permit.
2. Multiple Intersections – Multiple intersections involving the junction of more than two (2) streets are prohibited. Only three-and four-way intersections are permitted.
3. Separation - Street shall intersect with a common street centerline or be offset according to the following standards:
 - a. When the streets involved are local streets, the streets shall be separated by a distance of one hundred fifty feet (150’) between centerlines, measured along the centerline of the street being intersected.

- b. When one (1) or more streets involved are collector streets, the streets shall be separated by a distance of four hundred feet (400') between centerlines, measured along the centerline of the street being intersected,
 - c. When one or more of the streets involved are arterial streets, the streets shall be separated by a distance of one thousand feet (1,000') between centerlines, measured along the centerline of the street being intersected.
4. Radii - The cartway edge at intersections shall be:
- a. Designed for the largest vehicle anticipated to use the intersection. The minimum radii shall conform to PennDOT *Design Manual Part 2, Highway Design*, and AASHTO *Design Manual, Exhibit 9-20, Edge of Traveled Way for Turns at Intersections*.
 - b. Rounded with a minimum fifty-five foot (55') tangential arc for arterial and collector streets, and thirty feet (30') tangential arc for local streets.
 - c. Provided with acceleration and/or deceleration lanes when deemed by the Borough to be necessary.
 - d. Substantially concentric with the street right-of-way edge.
5. Sight Triangle - On corner lots, there shall be provided and maintained a clear sight triangle of at least one hundred feet (100'), as measured along the centerline from the intersecting roads. No structure, planting, excavation, nor other visual obstruction shall be permitted above a height of thirty inches (30") and below a height of ten feet (10'). All such clear sight triangles shall be depicted upon proposed subdivision and land development plans. A public right-of-way shall be reserved for removing any visual obstruction within the clear sight triangle.
6. Safe Stopping Distance - All intersections shall be designed to comply with the minimum sight distance requirements, as described in 67 PA Code §441 .8(h)(2)(iv) and PennDOT Publication 282, page 27, as amended.
- a. The diagrams below and the following measurement procedures, shall be used to establish the minimum sight distance for vehicles intending to cross over a travel lane, and to the rear of a vehicle intending to turn left into an access. See PennDOT Publication 282, page 18, Note 1(a) for information on measuring sight distance for vehicles exiting an access location.





- b. To measure sight distance between a vehicle intending to turn left into an access and a vehicle approaching in the opposite direction, the position of the driver of the turning vehicle is taken to be thirty-five feet (35') in advance of the driveway centerline (allows a twenty-five foot [25'] turning radius, plus ten foot [10'] distance from the front of the car to the driver's eye).
- c. The available sight distance is measured from the centerline of the intersection to the point where an approaching vehicle can first be seen. The eye height of the driver intending to turn left is established at three and one-half feet (3½'). The eye height of the driver of the vehicle approaching the intersection from the opposite direction is established at four and one-quarter feet (4¼').
- d. To measure sight distance for a motorist approaching a vehicle stopped to make a left-turn into an intersection from the rear of the left-turning vehicle is taken to be forty-five feet (45') from the centerline of the intersection (allows a twenty-five foot [25'] turning radius, plus twenty foot [20'] for the length of the vehicle).
- e. The available sight distance is measured from the rear of the left-turning vehicle, to the point where approaching vehicles can first see the vehicle waiting to turn left. The eye height of the approaching driver is established at three and one-half feet (3½'). The eye height of the driver of the vehicle waiting to turn left is established at four and one-quarter feet (4¼').
- f. To determine roadway grades when measuring sight distance, an average grade should be calculated over the length of roadway in which the approaching motorist will physically apply the brakes of the vehicle. This length of roadway can be determined by subtracting the perception/reaction time component of the minimum safe stopping sight distance equation from the measured sight distance. See Pennsylvania Code 67, §441.8(h)(2)(iv).
- g. The prevailing speed of traffic shall be considered when evaluating the available sight

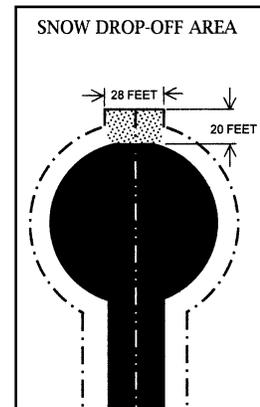
distance for an intersection. If it is evident that prevailing speeds are higher than the posted speed limit, and the available sight distance is near to the sight distance required for the posted speed limit, an 85th percentile speed should be measured near the intersection. The 85th percentile speed would then be used to calculate the minimum safe stopping sight distance requirements.

7. Sight Distance at Intersections - All intersections shall be designed to comply with the minimum sight distance requirements, as described in Pennsylvania Department of Transportation Design Manual Part 2, Highway Design, and AASHTO A Policy on Geometric Design of Highways and Streets.

502.J. Cul-de-Sac Street - A cul-de-sac is not permitted when a through street is more advantageous to the overall neighborhood and the Borough street pattern. The use of Cul-de-sac streets is only permitted at the discretion of the Borough Council.

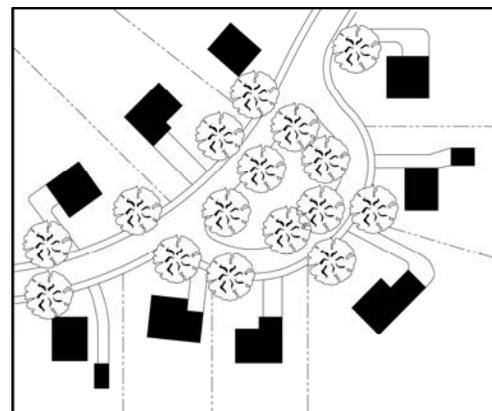
1. Length - Temporary or permanent cul-de-sac streets shall have a minimum length of two hundred fifty feet (250') and not exceed one thousand feet (1,000') in length or provide access to greater than twenty-five (25) residential dwelling units. The cul-de-sac length is measured from the center of the cu5-8l-de-sac turnaround to the centerline of a street that does not terminate in a cul-de-sac.
2. Turnaround - All cul-de-sac streets, whether permanently or temporarily designed, shall be provided with a fully-paved, closed-end, turnaround at a minimum width/ diameter of one hundred feet (100') and a right-of-way width/diameter of one hundred twenty feet (120'). The use of a temporary turnaround shall be guaranteed by a temporary easement until the street is extended. At the time that a temporary cul-de-sac is extended, the area located within the temporary turnaround shall be released to the abutting landowner. A right side centerline offset for the turnaround is desired. A left side centerline offset of the turnaround is prohibited.

3. Snow Drop-Off - A snow drop-off area shall be provided at the terminus of the turnaround area. The snow drop-off area shall be twenty-eight feet (28') wide and twenty feet (20') deep from the street curb line. The area shall be centered on the centerline of the street as the street approaches the turnaround area. The area shall be free of utility terminal boxes, mailboxes, and other facilities that may hamper snow storage, or may require accessibility during snow periods. If applicable, street curb located with the snow drop-off area shall be depressed and sidewalks shall be located outside the area. The snow drop-off area shall be constructed and maintained with a paved surface of concrete or bituminous material, or another stable surface material as approved by the Borough.



502.K. Eyebrow and Loop Streets

1. Design – These streets are a semicircular shaped streets, providing one-way circulation to and from a through street with an interior green space, containing trees, shrubs and ground cover located between the through street and the eyebrow and/or loop street. These streets shall maintain a minimum pavement width of eighteen feet (18'), and a minimum inside diameter of thirty feet (30').
2. Maximum Length – These streets shall have a maximum length of one thousand two hundred feet (1,200') measured from the centerline intersections with a through street or provide access to no



greater than twenty-five (25) residential dwelling units.

3. Private Ownership – These streets and the interior green space shall be privately owned and maintained as a private street.

502.L. Vehicle Access to Lots and Units of Occupancy - The location and number of vehicle access points (streets, access drives) shall be adequate for, and appropriate to, the size and nature of the land use. Development that generates greater than two hundred twenty five (225) average daily vehicle trips per day shall have at least two (2) vehicular access points.

502.M. Street Trees - Street trees shall be provided according to Section 520.H.

502.N. Private Street - Private streets shall meet all street design standards of this Ordinance. Approval of a private street shall be at the discretion of the Borough Council. Applications proposing private streets shall include a written operation, maintenance, future use, and ownership document that shall be recorded with the office of the York County Recorder of Deeds in conjunction with the Final Plan. The developer shall provide to the Borough any and all private street documents for review and approval.

Section 503 Improvements to Existing Street

503.A. For the purpose of determining the extent of onsite improvements to be required of a developer hereunder, and where necessary for the ingress to or egress from the subdivision or land development; the entire width of a street abutting the developer's property including right-of-way and ultimate right-of-way, shall be deemed to be onsite.

503.B. Where deemed to be onsite, existing streets shall be modified to provide adequate and safe vehicular ingress to and egress from the proposed subdivision or land development as required by traffic conditions created by the proposed subdivision or land development.

503.C. Where a subdivision or land development abuts an existing street of improper width, improvement or alignment, as herein required, the dedication of land sufficient to widen the street and/or correct the improvement or alignment shall be provided, or as an alternative, at the discretion of the Borough, a fee in lieu of the of the dedication of right-of-way shall be provided in an amount determined by Borough.

503.D. Where a subdivision or land development requires the construction of onsite improvements, as identified by an approved traffic impact study, including but not limited to signalization, the same shall be designed, constructed, and installed at the developer's sole cost and expense. If a traffic impact study is not performed, the developer shall install at its sole cost and expense all onsite improvements required by accepted traffic engineering principles.

503.E. Where a subdivision or land development abuts in whole or in part an existing street intersection, all property abutting each side or corner of the street intersection shall be deemed to abut the developer's property for the purpose of determining whether improvements are deemed onsite.

Section 504 Alley

504.A. Limited Use of Alleys - The use of alleys is limited to providing a secondary means of access to the side and/or rear of those lots with street frontage and designed to discourage through traffic. Alleys shall not be dedicated to the Borough.

504.B. Building Setback - No part of any building shall be located within four feet (4') of the cartway of an alley.

504.C. Design Standards - Alleys shall be designed in accordance with the street standards in Sections 502.A., 502.B., 502.C., 502.D., 502.E., 502.F., 502.I and 502.N.

504.D. Intersections - The distance between the centerline intersections of alleys with streets shall be measured along the centerline of the street being intersected and conform with the following:

Classification	Minimum Separation
Arterial	1,000 feet
Collector	400 feet
Local	150 feet

504.E. Cul-de-Sac - An alley shall not terminate in a dead-end or cul-de-sac.

504.F. Width of Right-of-way & Cartway - A minimum right-of-way width of eighteen feet (18') and a minimum cartway width of sixteen feet (16') shall be provided for alleys.

502.G. Traffic Calming Measures - The Borough may require the installation of "traffic calming measures" for alleys. Traffic calming measures are devices, systems and programs described in PennDOT, Bureau of Highway Safety and Traffic Engineering, Publication 383, dated January 2001 and known as "Pennsylvania's Traffic Calming Handbook" (Publication No. 383). The criteria used to determine the necessity, location, design, and construction of traffic calming measures, including all related warnings, signs, and markings shall be in accordance with accepted traffic engineering principles and Publication No. 383.

504.H. Private Ownership - Alleys shall be privately owned. Applications that propose private alleys shall include a written operation, maintenance, future use and ownership document that shall be recorded with the office of the York County Recorder of Deeds in conjunction with the Final Plan. The developer shall provide to the Borough any and all private alley documents for review and approval.

504.I. Construction Standards - All alleys shall be designed and constructed in accordance with of the New Freedom Borough standard construction documents and of PennDOT *Design Manual Part 2, Highway Design*, and AASHTO *A Policy on Geometric Design of Highways and Streets*.

Section 505 Driveway

505.A. Driveways shall conform to the standards contained in the Borough Zoning Ordinance. The Borough may require the subdivision plan to identify the potential location of driveways when site conditions may limit available driveway locations.

505.B. Driveway intersections with a State Route shall be subject to the approval of PennDOT. The developer shall include Borough comments with the submission of a PennDOT Highway Occupancy Permit.

Section 506 Access Drive

Access drives are private drives which provides vehicular movement between a street and a tract of land containing any use other than one (1) single-family dwelling unit or farm. Access drives shall conform to the following:

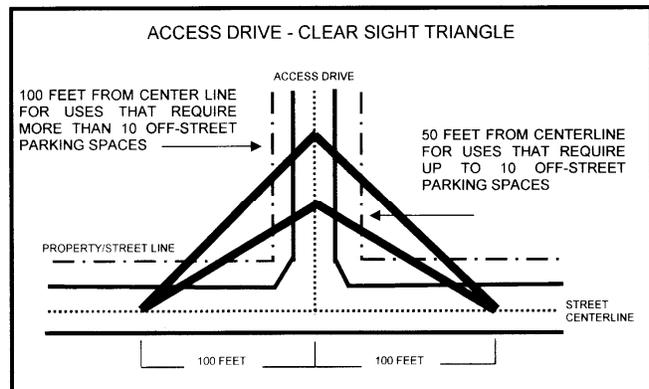
506.A. Number Per Lot - The number of access drives intersecting with a street may not exceed two (2) per lot. A waiver for additional access points may be requested to meet exceptional circumstances, such as intensity of development and extensive road frontage.

506.B. Vertical Alignment - The vertical alignments of access drives shall conform to the specifications for streets, as stated in Section 502.E.

506.C. Horizontal Alignment - The horizontal alignments of access drives shall be measured along the centerline. Horizontal curves shall be used at all angle changes more than two degrees (2°). All curves shall be tangential arcs. The minimum horizontal curve radius shall be seventy-five feet (75').

506.D. Intersection - All access drive intersections shall be:

1. Subject to approval of PennDOT when intersecting a State Route. The applicant shall include Borough comments with the submission of a PennDOT Highway Occupancy Permit. Evidence of such submission is required with the Preliminary Plan submission.



2. Set back one hundred feet (100') from the intersection of any street right-of-way lines.
3. Set back one hundred feet (100') from the intersection of any other access drive located upon the same lot (measured from cartway edges).
4. Set back ten feet (10') from any side and/or rear property lines; however, this setback, except when located along the property line of a joint parking lot, is shared by adjoining uses.
5. Separated from an access drive intersection on adjacent properties a sufficient distance to provide safety and efficient movement of vehicles.
6. Access drives that serve more than ten (10) off-street parking spaces shall, at their intersection with a street, provide a clear sight triangle of at least one hundred feet (100'), as measured along the centerline from the intersecting access drive and street.
7. Access drives that serve less than ten (10) off-street parking spaces shall, at their intersection with a street, provide a clear sight triangle of at least one hundred feet (100'), measured along the centerline from the intersecting street and fifty feet (50') measured along the centerline from the intersecting access drive.

The clear sight triangle shall be maintained by the property owner. No structure, planting, excavation, nor other visual obstruction shall be permitted above a height of thirty inches (30") and below a height of ten feet (10'). All such clear sight triangles shall be depicted upon proposed subdivision and land development plans. A public right-of-way shall be reserved for removing any visual obstruction within the clear sight triangle.

8. Designed in accordance with Sections 502.I.2., 502.I.4., 502.I.6 and 502.I.7.
9. The Borough may require acceleration and/or deceleration lanes when warranted by traffic speed, traffic volume, or other traffic flow characteristics.

506.E. Cul-de-Sac

1. A cul-de-sac is not permitted, unless required by an existing natural or manmade feature and approved at the discretion of the Borough Council.

2. Access drives which form a cul-de-sac shall not exceed one thousand feet (1,000') in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac. Access drive cul-de-sacs that do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of one hundred feet (100').
3. The Borough may permit an alternative turnaround design, including a turnaround incorporated in a parking court or a landscaped island, provided safe movement of traffic is assured.

506.F. Parking - When vehicular parking is prohibited along access drives, the prohibition must be acknowledged on the plan and properly signed along the cartway.

506.G. Improvement - The cartway of all access drives shall be constructed to the street improvement specification stated in Section 502.G., except for right-of-way and cartway width.

506.H. Traffic Calming Measures - The Borough may require the installation of "traffic calming measures" for access drives. Traffic calming measures are devices, systems and programs described in PennDOT, Bureau of Highway Safety and Traffic Engineering, Publication 383, dated January 2001 and known as "Pennsylvania's Traffic Calming Handbook" (Publication No. 383). The criteria used to determine the necessity, location, design, and construction of traffic calming measures, including all related warnings, signs, and markings shall be in accordance with accepted traffic engineering principles and Publication No. 383.

506.I. Cartway Width - The following table specifies various access drive width requirements:

Function	Required Cartway Width
Two lanes of traffic without parallel parking along the cartway	18 feet
One lane of traffic without parallel parking along cartway*	9 feet
*The one-way direction of traffic must be identified along the cartway.	

506.J. Side Slope - The maximum slopes of banks located within twenty feet (20') of the cartway shall not exceed three to one (3:1) for fills and two to one (2:1) for cuts. The Borough Council may accept steeper slopes to avoid disruption of significant natural features, provided safety and maintenance issues are addressed.

Guide rail protection is required along embankments when a barrier is indicated, as warranted in latest version of Design Manual Part 2, Highway Design, Pennsylvania Department of Transportation. Guide rail shall be constructed according to the PennDOT standards.

506.K. Access Drive Signs, Traffic Controls and Name Signs - Access drive signs, including name, traffic controls and parking controls shall be constructed and installed by the developer according to the specifications of the Borough and PennDOT. Name signs shall provide six inch (6") high letters on a maximum size sign of eight inches by thirty-six inches (8"x36"). Name signs shall be in reflector white on a green background (see PennDOT Publication 236M). High intensity or high performance sheeting (Type III or IV) shall be used for all signs (see PennDOT Publication 408M).

Access drives that are continuations of existing access drives shall be known by the same name. Names for new access drives shall not duplicate or closely resemble names of existing streets or access drives within the same postal area. All new names are subject to approval by the Borough.

Section 507 Bicycle Paths & Recreation Trails

507.A. Bicycle Paths - Bicycle paths shall be provided, when designated on or as part of an official plan or map, or as otherwise required by the Borough. Bicycle lanes located within a street right-of-way shall conform to Borough and PennDOT specifications.

1. Types of Bikeways

- a. Bicycle Path – A pathway usually separated from a street, designed specifically for the exclusive use of bicycling.
- b. Bicycle Lane – A lane at the edge of a street reserved and marked for the exclusive use of bicycles.
- c. Bicycle-Compatible Street – A street designed to accommodate the shared use of the roadway by bicycles and motor vehicles.

The above listing is the preferential order for bikeways in New Freedom. Applicants proposing bikeways as part of a subdivision or land development plan shall consider their application to a situation in the order of priority presented above.

2. Bikeway Design Standards

- a. Except for short distances, the grade of bikeways should generally not exceed five (5) percent.
- b. The minimum width of the moving lane of a bikeway shall be four (4) feet; thus a two-way bikeway shall minimally be eight (8) feet wide, and a one-way bikeway shall minimally be four (4) feet wide. Bicycle lanes and bicycle-compatible roadways should be carefully evaluated for possible increased width to ensure the safe passage of bicycles and motor vehicles.
- c. When bicycle lanes and bicycle-compatible streets are located adjacent to a barrier curb, to a drop in grade greater than 3:1, or to a soft shoulder, the width of such bikeways shall be increased by an additional two (2) feet.
- d. Bicycle paths shall be kept clear of all stationary objects on either side of such path by a lateral distance of two (2) feet.
- e. The surface for Bicycle Paths shall be a four inch (4") stone base course with a two and one-half inch (2 1/2") asphalt wearing surface. Concrete, wood planking, and macadamized or hard packed gravel are also appropriate under special circumstances
- f. Surfaces for Bicycle Lanes and Bicycle Compatible Streets when located upon Borough streets shall conform to the Borough street standards.
- g. Storm Inlets types shall conform to the storm water management standards of the Borough.
- h. Bike Paths shall be marked with periodic traffic information signs identifying entry points, distances to Borough facilities, and rules of conduct.
- i. Bike Lanes shall be painted directly upon the street cartway in a distinctive pattern, and in a white or yellow color as approved by PennDOT.
- j. Bicycle-Compatible Streets shall be identified by bicycle information signs according to PennDOT standards.

- k. The intersection of bicycle paths and lanes with a street, alley, access drive, or driveway shall conform to the clear sight triangle and safe stopping distance according to PennDOT standards.

507.B. Recreation Trails

1. Recreation trails shall be provided, when designated on or as a part of an official plan or map, or as otherwise required by the Borough.
2. Choice of surface materials includes bituminous mixes, concrete, gravel, soil cement, stabilized earth, and wood planking. The type of material shall be based upon the projected intensity of use and may be determined by the developer, subject to approval by the Borough. Trails shall be constructed and maintained in a firm and stable condition.
3. Trail width shall be a minimum width of eight feet (8').
4. Trails shall be located in common open space area or in a minimum sixteen feet (16') wide easement.
5. Marked crosswalks shall be provided within vehicular travel ways intersecting trails according to PennDOT standards.
6. The intersection of a trail and a street shall conform to the clear sight triangle and safe stopping distance according to PennDOT standards.

507.C. Non-Licensed Vehicle Crossings - Non-licensed vehicle crossings (e.g., bicycle, carriage, golf carts, off-road vehicles, and snowmobiles) of a street, alley, access drive, or driveway shall conform to PennDOT standards.

Section 508 Vehicular Parking

508.A. Single-Family Dwelling – All parking for single-family dwellings shall conform with the Zoning Ordinance. The provisions of this Section do not apply for single family dwelling parking.

508.B. Surface - All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another approved dust-free surface.

508.C. Parking Space - The minimum parking space sizes for parallel parking is twenty-two feet by eight feet (22' x 8') and non-parallel parking is eighteen feet by nine feet (18' x 9').

508.D. Access Aisle - Parking areas shall be designed so that each vehicle may proceed to and from the parking space without requiring the moving of any other vehicle. Aisles shall provide vehicular access within a parking compound and entrance/exit area for individual parking spaces. Aisles may not be used to intersect streets. All aisles shall have the minimum widths indicated in the following table:

Angle of Parking	Width of Aisle in Feet (One-Way Traffic)	Width of Aisle in Feet (Two-Way Traffic)
90 Degrees	22	22
60 Degrees	14.5	20
45 Degrees	12	18
Parallel	11	22

All aisles in areas where there is no parking permitted shall be eleven (11) feet wide for each lane of traffic.

All dead-end parking lots shall be designed to provide sufficient backup area for all end stalls.

- 508.E. Parking Space Separation from Landscaping and Sidewalks** - Curbs or other protective devices shall separate parking spaces from projecting into sidewalks and insure no greater than two and one-half (2½) feet overhang into the interior landscaped area.
- 508.F. Horizontal Radii** - Not less than a four (4) feet radius shall provided for all horizontal curves in parking areas.
- 508.G. Pavement Marking** - All parking lots shall be adequately marked and maintained for the purpose of defining parking spaces and interior drives. The lines of all parking spaces and interior drives (including directional arrows, etc.) shall be solid white and four inches (4") in width. Painted lines, arrows and dividers shall be provided and maintained to control parking, and to direct vehicular circulation.
- 508.H. Side and Rear Yard Setback** - A parking facility shall be setback from a street or neighboring property according to the following table. Required or provided landscaped strip, sidewalk and street furniture may be located within the setback.

Number of Spaces	Landscape Strip Width Measured from Street Right-of-Way
Less than 100	10 feet
100 to 250	15 feet
Over 250	20 feet

- 508.I. Perimeter and Interior Landscaping** - Off-street surface parking lots that contain twenty (20) or more parking spaces shall provide landscaping in accordance with Section 520.
- 508.J. Lighting Parking Facility** - Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall comply with Section 513.
- 508.K. Traffic Calming Devices**
1. Speed humps and tables, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes.
 2. The speed humps and tables shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed.
 3. There shall be a warning sign posted at each entrance to a parking area having speed humps and tables.
 4. The overall grade change of a speed humps and tables shall not exceed two (2) inches.
 5. Speed humps, speed tables and other traffic calming devices shall be setback at least fifty (50) feet from the street right-of-way of any local, marginal access or collector road and at least one hundred (100) feet from the street right-of-way of any expressway or arterial road.

Section 509 Off-Street Loading

- 509.A. Location** - Ground level loading areas may be located in the side and rear yard. No exterior portion of a loading facility and its access drive shall be located within fifty feet (50') of a residential zone.

- 509.B. Access** - Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four feet (24') wide for two-way travel, or fifteen feet (15') wide for one-way travel, exclusive of any parts of the curb and gutters.
- 509.C. Circulation** - Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots.
- 509.D. Lighting** – Adequate lighting shall be provided if the loading area is to be used at night. The lighting shall comply with Section 513.
- 509.E. Surface** - The surface of the loading area and the access drive that serves the loading area shall be constructed according to the Local Street standards.
- 509.F. Required Size** - The following minimum loading space sizes (excluding access drives, entrances and exits) shall be provided. The “Facility” shall be defined according to the Zoning Ordinance.

Facility	Length	Width	Height (When Covered or Obstructed)
Industrial, Wholesale, and Commercial (over 25,000 square feet gross floor area per use)	63 feet	12 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet

- 509.G. Landscape Screening** - A fifteen foot (15') wide landscape screen shall surround all off-street loading facilities. The landscape screen shall be designed in accordance with Section 520.e constructed according to the Local Street standards.

Section 510 Sidewalk

- 510.A. Warrants** - Sidewalks shall be provided along all street frontage. Additionally, sidewalks shall be required in the following circumstances:

1. To continue existing sidewalk systems to the terminus of a service area or block.
2. To provide access to vehicular parking compounds, school bus zones, or recreational facilities.
3. To provide access to and/or within commercial, industrial or other community facilities.

- 510.B. Location**

1. Sidewalks located along streets shall be set back two feet (2') from the street right-of-way and physically divided from the street cartway by curb or grass strip.
2. Sidewalks, which are not located along streets, shall be physically divided from the vehicle area by curb or eight foot (8') wide landscaped strip.

- 510.C. Improvement Standard**

1. Sidewalks located with a public right-of-way shall be constructed of Class A cement concrete four inches (4") thick, containing steel welded wire fabric of six by six by fourteen inch (6"x6"x14") gauge, poured upon four inches (4") of AASHTO #57 crushed stone (properly compacted using a mechanical tamper) on a properly prepared subgrade.

2. Where sidewalks are subject to vehicle crossings (e.g., driveways), a minimum concrete thickness of six inches (6"), containing steel welded wire fabric of six by six by fourteen inch (6"x6"x14") gauge, poured upon four inches (4") of AASHTO #57 crushed stone (properly compacted using a mechanical tamper) on a properly prepared subgrade.
3. Concrete shall be poured in separate slabs twenty-four feet (24') in length. The slabs shall be completely separated by one-quarter inch (1/4") expansion joints and scored every four feet (4'). Welded wire fabric shall not extend through expansion joints.

510.D. Width - Sidewalks shall have a minimum width of five feet (4').

510.E. Vertical Alignment - Sidewalks shall be graded to properly discharge storm water runoff to appropriate location and/or facilities. A maximum cross slope of two percent (2%) is permitted. The maximum slopes of banks located along sidewalks shall not exceed three to one (3:1) for fills and two to one (2:1) for cuts, measured perpendicular to the sidewalk.

510.F. Maintenance and Repair - Maintenance and repair costs for sidewalks are the sole responsibility of the landowner.

510.G. ADA Requirement - Sidewalks shall conform with the latest edition of the Americans With Disabilities Act Accessibility Guidelines. Separate, detailed, construction plans shall be provided for each individual pedestrian crossing, curb ramp, ramp or other ADA facility. Plans shall include spot elevations, slopes, materials, etc.

Section 511 Curb and Shoulder

511.A. Warrants - Curbs are required along all streets and drives and in locations where sidewalks are proposed adjacent to such facilities, unless it can be shown that site, traffic and/or drainage conditions support the elimination of curbing.

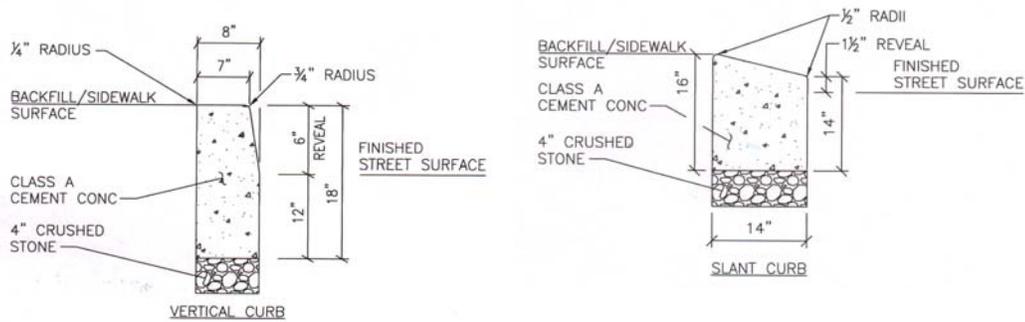
511.B. Transition - Transitions in curb type shall be subject to approval by the Borough.

511.C. Improvement Standard - Curbs shall be constructed in accordance with PennDOT Manual Form 408, Section 641, "Plain Cement Concrete Curb Gutter, Type A, C and D," as amended. All curb shall be placed on a four inch (4") crushed stone base.

511.D. ADA Requirement - Curbs shall conform to the latest edition of the Americans With Disabilities Act Accessibility Guidelines. Separate, detailed, construction plans shall be provided for each individual pedestrian crossing, curb ramp, ramp or other ADA facility. Plans shall include spot elevations, slopes, materials, etc.

511.E. Curb Type

- a. Vertical curb shall be eighteen inches (18") deep, seven inches (7") wide at the top, and eight inches (8") wide at the base. The distance from the top of the curb to the flow line of the gutter shall be eight inches (8").
- b. Slant curb shall be sixteen inches (16") deep at the back, fourteen inches (14") deep at the front, and fourteen inches (14") wide at the top and base. The distance from the street side top of the face of curb to the flow line of the gutter shall be one and one-half inches (1.5").



511.F. Shoulder - Shoulders shall be provided along all streets without curbs. The minimum shoulder width is four feet (4'). Shoulders shall be stabilized according to PennDOT standards, and in areas that exceed seven percent (7%), paved according to PennDOT standards.

Section 512 Block and Lot

512.A. General - The configuration of blocks and lots shall be based upon the lot area requirements of the Borough Zoning Ordinance, traffic circulation, salient natural features, existing man-made features, and land use. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

512.B. Residential Block - All blocks in a residential subdivision shall have a maximum length along any side of one thousand, six hundred feet (1,600') and a minimum length of any side of two tiers of lots that conform to the prevailing standards.

512.C. Nonresidential Block - Block configurations in nonresidential areas shall be based primarily upon safe and efficient traffic circulation, and salient natural features.

512.D. Lot Configuration

1. Side lot lines shall be at right angle or radial to street lines, whenever practical.
2. Lot lines shall, wherever feasible, follow municipal boundaries, rather than cross them. The most restrictive standards of the municipalities shall apply where a lot is divided by a municipal boundary.
3. Lots with areas that are two (2) or more times the minimum area requirements shall, wherever feasible, be designed with configurations that allow for additional subdivision. The Borough may require a sketch plan of such large lots that indicates the potential future subdivision is generally in conformance with the design standards.
4. All lots shall front on a street. Satisfactory guarantee of the street construction shall be provided to the Borough, when a lot is provided with street frontage solely from a proposed street that is located within an adjoining municipality.
5. Lots that front upon two parallel streets, or upon two streets that do not intersect (also know as through lots), shall comply with the Borough Zoning Ordinance.
6. Flag lots are only permitted where specifically provided for within the Borough Zoning Ordinance.
7. All lots and remnants of land (areas remaining after subdivision) shall conform to the lot size and configuration requirements.

512.E. Lot Line Adjustment - A parcel of land may be added to an existing lot of record, provided:

1. The resulting lots do not increase a dimensional nonconformity. However, any existing dimensional nonconformity may be reduced by right, even if the reduction does not entirely eliminate the dimensional nonconformity. Except as provided in the Borough Zoning Ordinance, no extension or enlargement of a dimensional nonconformity is permitted.
2. The plan shall delineate the area to be transferred and the deletion of an existing lot line.
3. The plan shall include the following note:

"The property transfer will result in the recording of a deed with the York County Recorder of Deeds simultaneous with recording the plan. A copy of the recorded deed will be provided to the Borough within seven (7) calendar days of its recording."

SECTION 513 Lighting Requirements

513.A. Adoptions by Reference

1. Unless superseded by requirements of this Ordinance, the "IESNA Lighting Handbook," most recent edition, as published by the Illuminating Engineering Society of North America (IESNA), is hereby adopted by reference and made a part hereof as if fully set out in this Section.
2. Unless superseded by requirements of this Ordinance, the publication, "American National Standard, Nomenclature and Definitions for Illuminating Engineering", most recent edition, as published by the Illuminating Engineering Society of North America (IESNA) and approved by the American National Standards Institute, Inc. (ANSI), and referred to in this Section as "The ANSI/IESNA Lighting Definitions," is hereby adopted by reference and made a part hereof as if fully set out in this Section.
3. Unless superseded by requirements of this Ordinance, the Energy Standard for Buildings Except Low-Rise Residential Buildings", Std 90.1 latest version as published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. and approved by the American Standards Institute, Inc. (ANSI), and referred to as "The ANSI/ASHRAE/IESNA Standard 90.1-(year).
4. In addition to the specific requirements established in this Section, the design calculations for outdoor lighting installations shall be in accordance with the IESNA Lighting Handbook. This includes, but is not limited to, technical definitions, terminology, calculation methods and procedures, photometric classifications, and photometric testing procedures. Luminance selection should be based on the usage of the area to be illuminated, the level of activity, and nighttime security requirements.

513.B. Lighting Encroachment - Lighting shall be arranged so as to deflect light away from any adjoining properties and public streets. The light source shall be directed, hooded, shielded, or controlled so as not to light adjacent properties and public streets. Luminaries shall not cast light on a:

1. Public street in excess of one (1) foot-candle, measured from the centerline of said street nor cast,
2. Residential property in exceed two tenth (0.2) foot-candle as measured at the property line or
3. Non-residential property in excess of one (1.0) foot-candle on an adjacent.

513.C. Illumination Levels - Lighting shall be provided within the range of permitted lighting levels as specified in the following table.

1. Luminaries used in public areas such as roadway lighting, parking lots and for exterior building illumination shall be designed to provide the minimum illumination recommended by the IESNA in the most current edition of the IESNA Lighting Handbook.
2. The maximum average lighting levels shall not exceed the standards provided below.

MAXIMUM AVERAGE LIGHT LEVELS	
Location	Foot-Candles
Landscape Highlights	2
Building Facades	3
Parking Areas for Multi-Family Residential Uses	3
Sidewalks and Other Pedestrian Walkways	3
Streets	3
Parking Areas for Non-Residential Uses	5
Building Entrance	5
General Storage areas for Non-Residential Uses	8
Non-Residential Vehicular Entrance	10
Vehicular Display Areas	10
Loading Areas Associated with a Non-Residential Use	20
Under Canopies	30
Externally Illuminated Sign	30

3. Athletic fields and other outdoor arenas shall not exceed the minimum illumination recommended by the IESNA in the most current edition of the IESNA Lighting Handbook.
4. For those areas not specified, the Borough Council will set an appropriate level on a case-by-case basis in keeping with the intent of this ordinance;
5. The foot-candle level readings shall be taken after dark with the light meter held 6" above the ground with the meter facing the light source. A reading shall be taken with the light source on, then with the light source off. The difference between the two readings will be identified as the illumination intensity.
6. A maximum uniformity light level ratio in all parking areas, sidewalks and other pedestrian walkways, shall average a minimum of 6:1.

513.D. Height

1. The maximum height for a light source, except for recreational lighting, is the maximum permitted building height of the Zoning Ordinance.
2. The maximum mounting height for recreational lighting shall be as follows:

MAXIMUM LIGHT MOUNTING HEIGHT	
Recreation Activity	Maximum Mounting Height
Basketball	20'

MAXIMUM LIGHT MOUNTING HEIGHT	
Recreation Activity	Maximum Mounting Height
Football	70'
Soccer, Lacrosse, Field Hockey, Rugby and other similar field sports	70'
Baseball 200' Radius	60'
Baseball 300' Radius	90'
Golf Driving Range	30"
Miniature Golf	20'
Swimming Pool Aprons	20'
Tennis	20'
Track	20'

- No light sources shall be located on the roof unless said light enhances the architectural features of the building.

513.E. Location - Outdoor light fixture shall be setback a minimum horizontal distance equal to its height from each property line but in no case less than 10' from a street right of way and 5' from all side or rear lot lines.

513.F. Hours of Operation

- Whenever practicable, outdoor lighting installations shall include timers, dimmers, and/or motion-sensors to reduce overall energy consumption and eliminate unneeded lighting, particularly after 11 p.m.
- Outdoor lighting, which serves commercial or industrial uses that do not operate after dark must be turned off one (1) hour after closing except for, approved security lighting.
- Commercial or industrial uses that offer services after dark, outdoor lighting may be utilized during the nighttime hours provided the commercial or industrial use is open for service. Once the commercial or industrial uses closes, the outdoor lighting must be turned off one (1) hour after closing except for security lighting.
- Exterior lighting for security surveillance purposes shall be arranged, and of sufficient illumination, to enable the detection of suspicious movement. Security lighting for buildings/structures shall be directed toward the face of the building/structure, rather than the area around it, and shall not exceed a maximum illumination of five (5) footcandles.
- Internally illuminated signs shall not exceed 1,000 initial lumens per square foot of sign face.

513.G. Canopy Lighting - Under-canopy lighting shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be below the light source at all lateral angles.

513.H. Exemptions

- All emergency lighting needed by the police, fire or other emergency services, as well as all vehicular luminaries, are exempt from the requirements of this ordinance.
- All hazard warning luminaries required by federal regulatory agencies are exempt from the

requirements of this article, except that all such must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.

3. Luminaries used primarily for signal illumination may be mounted at any height required to ensure roadway safety, regardless of lumen rating.
4. Seasonal holiday lighting and illumination of the American and state flags shall be exempt from the requirements of this ordinance, providing that such lighting does not produce glare on roadways and neighboring residential properties.
5. Sign illumination is regulated in the Zoning Ordinance.

Section 514 Easements

- 514.A.** Easements shall be provided for public or shared facilities, services and utilities.
- 514.B.** Easements shall be located in a manner that minimizes disruption of the use or land.
- 514.C.** Nothing shall be placed, planted, set, or constructed within an easement that would adversely affect the function of the easement or conflict with the easement agreement.
- 514.D.** All existing and proposed easements shall be identified on the plan and shall include a boundary line description in accordance with the lot line description standard of this Ordinance.
- 514.E.** When deemed appropriate by the Borough, the plan shall identify the entity to which the easement is granted and the terms thereof.
- 514.F.** Each easement depicted on the plan shall be the subject of a written agreement to be recorded in the office of the York County Recorder of Deeds. Any easement agreement which includes the Borough or Authority as parties is subject to Borough approval. Each agreement shall be recorded concurrently with the final plan.
- 514.G.** Every deed for property that is burdened by an easement shall contain a notice thereof on the deed.
- 514.H.** Sanitary sewer, water supply and storm water easements shall have a minimum horizontal width of thirty feet (30') unless a greater width is required by the Borough. In the case of a shared easement, sufficient area shall be provided to allow a minimum horizontal separation of ten feet (10') between the facilities, and from the edge of the easement boundary.
- 514.I.** Where an existing utility (i.e., electric or telephone transmission or petroleum product transmission line) traverses a property, the developer shall identify the easement or right-of-way and provide a plan note certifying compliance with any existing easement or right-of-way.

Section 515 Survey Monument

- 515.A.** Permanent stone or concrete monuments shall be accurately placed at all street intersections unless locations are otherwise agreed to by the Borough Engineer. An intermediate monument shall be placed wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.
- 515.B.** Markers shall be set at all points where lot lines intersect curves and/or other property lines. Markers shall be set following rough grading of the lot, but prior to construction of the foundation.
- 515.C.** Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four inches (4") and a minimum length of thirty inches (30"). Concrete monuments shall be marked with a

three-quarter inch ($\frac{3}{4}$ ") copper or brass dowel; stone or pre-cast monuments shall be marked on the top with a proper inscription and a drill hole.

- 515.D.** Markers shall consist of iron pipes or steel bars at least thirty inches (30") long and not less than a three-quarter inch ($\frac{3}{4}$ ") diameter.
- 515.E.** All monuments and markers shall be placed by a registered land surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.
- 515.F.** All monuments/markers shall be set flush with the finished grade, except for temporary placement and/or woodland conditions.
- 515.G.** Existing and proposed monuments and lot line markers shall be clearly delineated on the plan.
- 515.H.** The developer shall certify that the survey monuments and markers are placed by a registered land surveyor.
- 515.I.** Wooden stakes or other similar less durable material shall be prohibited for use a markers or monuments.

Section 516 Stormwater Management

All subdivision and land development plans shall conform to the New Freedom Borough Stormwater Management Ordinance

Section 517 Floodplain

All subdivision and land development plans shall conform to New Freedom Borough Zoning Ordinance Floodplain Overlay District.

Section 518 Wetland

Soil or vegetation shall not be disturbed in the wetland buffer zone. Any proposed encroachment into the wetland shall include a copy of the permit or approval from the applicable State and Federal agencies. No subdivision or land development shall involve uses, activities or improvements that will entail encroachment into, the grading of, or the placement of, fill in wetlands in violation of State or Federal regulations. No action by the Borough shall be relied upon instead of a permit issued by the appropriate agency.

519 Riparian Buffer

All subdivision and land development plans shall conform to Title 25, Pennsylvania Code, Chapter 105 and Section 404 of the Federal Clean Water Act.

Section 520 Landscaping

- 520.A.** **Native Plants** - The use of native plant materials is encouraged. The use of native plant material help to improve water quality, provide additional and improved wildlife habitat, and typically adapt to local conditions which then require less maintenance.

520.B. Invasive Plants - Invasive plants, as defined by the Pennsylvania Department of Conservation and Natural Resources (DCNR) may not be used in any planting schedule.

1. Trees:

- | | |
|---|---|
| Tree-of-heaven (<i>Ailanthus altissima</i>) | Callery pear (* <i>Pyrus calleryana</i>) |
| Norway maple (* <i>Acer platanoides</i>) | Siberian elm (<i>Ulmus pumila</i>) |
| Sycamore maple (<i>Acer pseudoplatanus</i>) | |
| Empress tree (<i>Paulownia tomentosa</i>) | |

2. Shrubs:

- | | |
|---|---|
| Japanese barberry (* <i>Berberis thunbergii</i>) | Morrow's honeysuckle (<i>Lonicera morrowii</i>) |
| European barberry (<i>Berberis vulgaris</i>) | Amur honeysuckle (<i>Lonicera maackii</i>) |
| Russian Olive (<i>Elaeagnus angustifolia</i>) | Bell's honeysuckle (<i>Lonicera morrowii x tatarica</i>) |
| Autumn olive (<i>Elaeagnus umbellata</i>) | Common buckthorn (<i>Rhamnus catharticus</i>) |
| Winged Euonymus (* <i>Euonymus alatus</i>) | Glossy buckthorn (<i>Rhamnus frangula</i>) |
| Border privet (<i>Ligustrum obtusifolium</i>) | Wineberry (<i>Rubus phoenicolasius</i>) |
| Common Privet (<i>Ligustrum vulgare</i>) | Multiflora rose (<i>Rosa multiflora</i>) |
| Tartarian honeysuckle (<i>Lonicera tartarica</i>) | Japanese spiraea (* <i>Spiraea japonica</i>) |
| Standish honeysuckle (<i>Lonicera standishii</i>) | Guelder rose (* <i>Viburnum opulus</i> var. <i>opulus</i>) |

3. Grasses:

- | | |
|---|---|
| Cheatgrass (<i>Bromus tectorum</i>) | Reed canary grass (<i>Phalaris arundinacea</i>) |
| Japanese stilt grass (<i>Microstegium vimineum</i>) | Johnson grass (<i>Sorghum halepense</i>) |
| Maiden grass (* <i>Miscanthus sinensis</i>) | Shattercane (<i>Sorghum bicolor</i> ssp. <i>drummondii</i>) |
| Common reed (<i>Phragmites australis</i>) | |

4. Perennials:

- | | |
|--|--|
| Garlic mustard (<i>Alliaria petiolata</i>) | Giant hogweed (<i>Heracleum mantegazzianum</i>) |
| Goutweed (<i>Aegopodium podagraria</i>) | Dame's rocket (<i>Hesperis matronalis</i>) |
| Bull thistle (<i>Cirsium vulgare</i>) | Purple Loosestrife (<i>Lythrum salicaria</i> , <i>L. virgatum</i>) |
| Canada thistle (<i>Cirsium arvense</i>) | Eurasian water-milfoil (<i>Myriophyllum spicatum</i>) |
| Musk thistle (<i>Carduus nutans</i>) | |
| Jimsonweed (<i>Datura stramonium</i>) | |
| Goatsrue (<i>Galega officinalis</i>) | |

Star-of-Bethlehem (*Ornithogallum nutans, umbellatum*)

Japanese knotweed (*Fallopia japonica / Polygonum cuspidatum, Reynoutria japonica*)

Wild parsnip (*Pastinaca sativa*)

Beefsteak plant (*Perilla frutescens*)

Lesser celandine (*Ranunculus ficaria*)

Water chestnut (*Trapa natans*)

5. Vines

Fiveleaf akebia (*Akebia quinata*)

Porcelain-berry (*Ampelopsis brevipedunculata*)

Oriental bittersweet (*Celastrus orbiculatus*)

Japanese honeysuckle (*Lonicera japonica*)

Kudzu (*Pueraria lobata*)

Mile-a-minute vine (*Polygonum perfoliatum*)

520.C. Existing Vegetation - Any existing vegetation that is in appropriate locations, of an acceptable species and quality may be used to fulfill landscaping or buffering requirements.

520.D. Ground Cover - Ground cover shall be provided on all areas of the project to prevent soil erosion. All areas which are not covered by paving, stone, or other solid material shall be protected with a suitable ground cover, consisting of spreading plants including sods and grasses less than eighteen (18) inches in height.

520.E. Landscape Material

1. Plantings shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems and shall be free from disease, insects, insect eggs, and larvae. Plantings shall be selected from stock that was grown under climatic conditions similar to the locality of the property. All planting shall be performed in conformance with good nursery and landscape practice. Plantings shall be properly maintained and replaced if dead.
2. The varieties of plantings shall be subject to the approval of the Borough. The applicant is encouraged to be creative in selecting varieties and locations to achieve a pleasing appearance. Planting materials shall meet the following criteria:
3. Shade trees shall be a minimum trunk caliper of two inches (2") at a height of six inches (6") above finished grade.
4. Flowering and/or ornamental trees shall be a minimum trunk caliper of one and one-half inches (1½") at a height of six inches (6") above finished grade.
5. Evergreen trees shall be a minimum height of six feet (6'), and uniform in shape and overall condition.
6. Shrubs shall be a minimum height or spread of twenty-four inches (24").
7. Any tree or shrub which dies within eighteen (18) months of planting shall be replaced. All landscaping and screening treatments shall be properly maintained. Landscape materials that die or are damaged shall be replaced within thirty (30) days, season permitting.
8. Requirements for the measurements, branching, grading, quality, balling, and burlapping of trees shall follow the code standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSI Z60, 1-2004, as

amended.

520.F. Street Trees - All Street trees shall be provided by the Applicant in accordance with the following standards:

- (a) Street trees shall not be located farther than forty (40) feet away from the street right-of-way.
- (b) Two (2) street trees shall be planted every 100 linear foot of street measured at the centerline.
- (c) Street tree spacing shall be based on the size of the tree canopy at maturity. Trees with a canopy of less than thirty (30) feet shall be spaced no closer than 30 feet on center.
- (d) When more massing is appropriate for improvements, such as benches and other street furniture, grouping of street trees is allowed.
- (e) The trees shall be nursery grown in a similar hardiness zone to that of the locality of the project. Varieties of trees within the right-of-way shall be subject to Borough approval. The following are an approved variety of street trees:

APPROVED VARIETY OF STREET TREES	
Common Name	Botanical Name
Red Maple	Acer Rubrum
Sugar Maple	Acer Saccharum
Serviceberry	Amelanchier x
River Birch	Betula Nigra
Common Hackberry	Celtis Occidentalis
Katsura Tree	Cercidiphyllum Japonicum
American Yellowwood	Cladrastis Kentuckea
White Ash	Fraxinus Americana
Green Ash	Fraxinus Pennsylvanica
Thomless Honeylocust	Gleditsia Triacanthos Inermis
Golden Raintree	Koelreuteria Paniculata
Sweetgum	Liquidambar Styraciflua
Shingle Oak	Quercus Imbricaria
Red Oak	Quercus Rubra
Swamp White Oak	Quercus Bicolor
Japanese Tree Lilac	Sringa Reticulate 'Ivory Silk'
Basswood, American Linden	Tilia Americana
Japanese Zelkova	Zelkova Serrata

- (f) All 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.

- (g) The trunk caliper, measured at a height of six (6) inches above finish grade shall be a minimum of two (2) inches.
- (h) Tree planting depth shall bear the same relationship to the finished grade as the top of the root ball or original grade of origin.
- (i) Street trees shall not be planted within the street right-of-way or other easements. Tree growth shall not interfere with the street cartway, sidewalk, signage, easements, clear sight triangles, utility lines, storm water management facilities or other planned features of the development. Within the Clear Sight Triangle, typical branching shall not be within ten (10) feet of ground level after ten (10) years of growth.
- (j) No one species shall comprise more than thirty-three percent (33%) of the entire number of Street trees in a particular development

520.G. Landscape Strip and Interior Landscaping

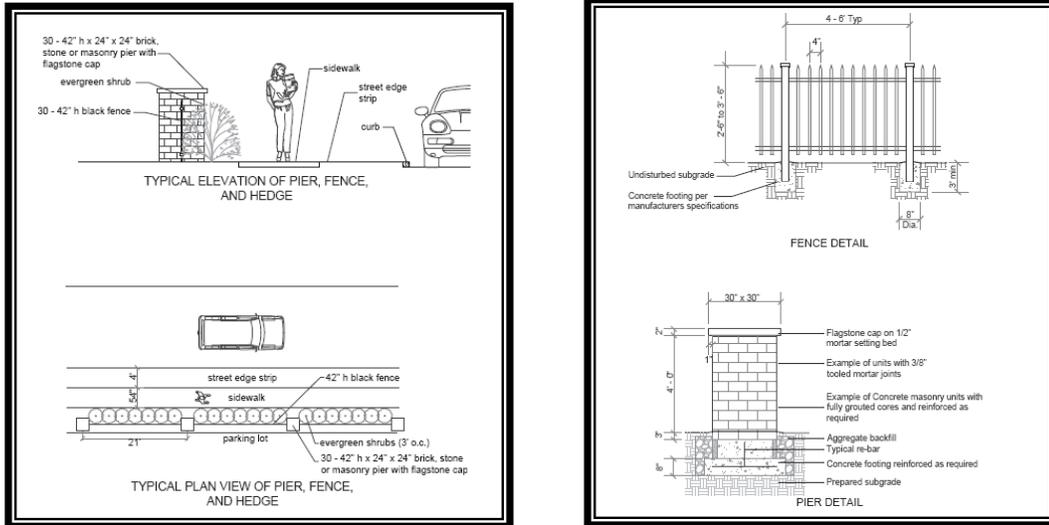
1. Materials - Any required landscaping shall include a combination of deciduous trees, ground covers, evergreens, shrubs, vines, perennials, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape areas.
2. Trees - At least one (1) shade tree shall be provided for each six (6) parking spaces, or fraction thereof, of required landscape area in the parking lot. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard.
3. Off-Street Parking - Off-street surface parking lots that contain twenty (20) or more parking spaces shall provide a parking lot landscape planting area of a minimum of 10% of the interior parking facility. The required landscaping may be used to define sidewalk areas, parking areas, pedestrian areas, and travel lanes. When the required amount of landscape planting area encumbers the parking lot and traffic circulation functions, up to fifty (50) percent of the required landscape planting area may be located at the entrance and/or perimeter to the parking lot.

520.H. Screening

1. Security Visibility - In order to provide for security surveillance and minimize the potential for crime, all landscaping and screening shall, to the greatest extent possible, be sited, massed, and scaled to maintain visibility of doors and first floor windows from the street and from within the development. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths.
2. Screening Elements - Any required landscape screening shall include a combination of 50% evergreen plants (trees, hedges or shrubs), deciduous plants, walls, fences, earth berms, or other approved similar materials. Wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged to block the ground level views between grade, and a height of six feet (6'). Landscape screens must achieve this visual blockage within two (2) years of installation. The landscape planting shall be placed so that at maturity it shall not be closer than three feet from any public street, sidewalk or property line.
3. General Screening - Loading docks, trash collection areas, outdoor storage, and similar facilities shall be screened from adjacent residential property and public streets with material of the same quality and appearance as those used on the building. Such areas shall be

screened with a combination of architectural masonry, fencing and/or landscaping with a height of at least six (6) feet. At least two-thirds of the area must be screened. The screened fence abutting a residential district must be at least 90 percent opaque. The screened fence abutting all other zoning districts must be at least 50 percent opaque.

4. **Off-street Parking** - Off-street surface parking lots that contain twenty (20) or more parking spaces shall be screened for at least fifty percent (50%) of the view from the public right-of-way. Such screen shall be any combination of a three and one-half (3½) foot high masonry wall, fence or earthen berms with landscape material. Below is an illustrative example of pier, fence and hedge screening.



520.I. Planting Guidelines

1. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Standard of Nursery Stock, ANSI Z60.1-2004, current edition, as amended.
2. Planting designs are encouraged to share planting space for optimal root growth whenever possible. Continuous planting areas vs. isolated planting boxes are encouraged. Staking and wiring of trees shall include a maintenance plan note that staking and wiring will be removed within one year of planting.
3. All required landscape plants shall be maintained and guaranteed for a length of eighteen (18) months from the date of planting. No more than one-third (1/3) of the tree or shrub shall be damaged or dead without replacement. Replacement plants shall conform to all requirements of this section and shall be maintained after replanting for an additional eighteen (18) months.

Section 521 Steep Slope Conservation

521.A. Regulated Area - Steep slope conservation standards apply where construction and/or modifications to the existing topography or vegetative cover is located within areas which contain twenty percent (20%) or greater slope.

521.B. Boundary Interpretation. An initial determination as to whether the steep slope conservation standards apply to a subdivision or land development plan shall be based upon the presence of twenty percent (20%) or greater slope, as documented in one of the following:

1. Topographic survey prepared by a registered land surveyor,
2. The York County Soil Survey, the U.S. Soil Conservation Service; or,
3. The topographic survey prepared by the U.S. Geodetic Survey.
4. Should a dispute arise concerning the boundaries of the steep slope conservation area, a topographic survey prepared by a registered land surveyor with minimum vertical intervals of five feet (5') shall be submitted. The Borough shall make final boundary interpretation.

521.C **General Design Requirement.** The following requirements are based upon the average slope of a lot. Whenever other ordinances or regulations impose more restrictive standards than those contained herein, the more restrictive shall apply.

Average Slope of Lot	Minimum Percent of Undisturbed Area*	Maximum Impervious Surface
20–30%	85%	10%
Over 30%	90%	10%
<i>*Undisturbed area shall be defined as land in its natural state before development.</i>		

521.D. **Setback.** Any change in existing topography, which results in a slope greater than the predevelopment condition, may not be located within twenty-five feet (25') of the neighboring property.

Section 522 Sanitary Sewage Disposal

- 522.A.** Prior to final plan approval or at the sole discretion of the Borough as a condition thereof, all sewage facilities planning shall be completed and all approvals obtained.
- 522.B.** The developer shall provide a sanitary sewage disposal facility consistent with the:
1. Pennsylvania Sewage Facilities Act, Act 537 of 1966,
 2. New Freedom Borough Act 537 Official Plan for sanitary sewer, and
 3. Any other Ordinance or resolution of the Borough and its Authorities.
- 522.C.** Sanitary sewer systems shall be designed and constructed in accordance with the prevailing rules, specifications and regulations of the PA DEP, the Borough and its Authorities.
- 522.D.** When sanitary sewage disposal is provided by means other than by an individual on-lot system for use by a single unit of occupancy, the Final Plan Application shall include written notice from the service provider of their approval of the design, acceptance of a financial guarantee and commitment to service (Certificate of Capacity).
- 522.E.** Individual on-lot sanitary sewage disposal systems (OLDS) shall conform to the on-lot sewage disposal system requirements of the Pennsylvania Department of Environmental Protection, and Borough Zoning Ordinance.

Section 523 Water Supply and Fire Hydrants

- 523.A.** Water supply systems shall be designed and constructed in accordance with the prevailing rules and regulations of the PA DEP and the Borough.
- 523.B.** All developments shall connect to the Borough public water supply system provided capacity is available.
- 523.C.** Where the Borough determines public water supply system cannot feasibly be provided to the proposed development, and the average residential lot size is less than thirty thousand (30,000) square feet, a private centralized water supply system shall be provided by the developer. Fire hydrants shall be provided in all private centralized water supply systems which will serve more than twenty-five (25) lots or dwelling units. Private centralized water systems are subject to Borough approval, and compliance with the standards of Pennsylvania Department of Environmental Resource. Suitable agreements shall be established for the ownership and maintenance of the private centralized water system. A private centralized water system shall be designed and constructed in a manner that would permit adequate connection to a public water supply system in the future.
- 523.D.** Where the Borough determines public water supply system cannot feasibly be provided to the proposed development, and individual on-lot water supply systems are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, and the systems shall conform to criteria as set forth by the Pennsylvania Department of Environmental Resources and the Borough.
- 523.E.** Fire hydrants shall be provided wherever the water supply system contains sufficient capability, or will in the near future, with or without developer assistance. Type and location of fire hydrants shall meet the specifications of the New Freedom Borough standard construction documents.
- 523.F.** If water is to be provided by means other than by an individual on-site water supply system (wells that are owned and maintained by the individual lot owners), the Final Plan Application shall include written notice from the service provider its approval of the design, acceptance of a financial guarantee and commitment to service.

Section 524 Park and Recreation Lands

524.A. Requirements for Reservation of Park and/or Recreation Lands

1. Every proposed subdivision of land and/or land development regulated by this Ordinance and the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted, and amended, shall provide land for dedication which is suitable for park and/or recreation.
2. The amount of land required to be dedicated shall be established by resolution of the Borough Council and available at the Borough Office.
3. All land proposed for dedication as park and/or recreation land shall comply with the standards set forth in Section 524.B.
4. In lieu of the dedication of land, the developer may propose the following or a combination of the following, subject to approval of the Borough Council.
 - a. Dedication of land for park and/or recreation purposes,

- b. Payment of a recreation fee,
 - c. Construction of park and/or recreational facilities, or
 - d. A combination of the above.
5. If the developer receives approval from the Borough Council for the payment of a fee in lieu of dedication of all or some of the required park and/or recreation land, then the fee shall be calculated on the basis of the most current fee scheduled. If at the time of plan submission the developer is domiciled on one of the lots thereon, said lot shall not be included in this calculation.
 6. If the developer elects to pay a fee in lieu of the dedication of park and/or recreation land, then such payment, if approved by the Borough Council, shall be deemed a condition of plan approval and shall be paid to the Borough at the time of execution of the improvements agreement with the Borough or if no improvements agreement is necessary, then prior to recording the approved plan.
 7. All fees paid pursuant to this Section shall be placed in an interest bearing account and accounted for separately from other Borough funds, and such funds shall not be used for any purpose inconsistent with the applicable provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended.
 8. The requirements of Section 524 shall be in addition to, and not in lieu of the open space which is required to be provided in connection with certain uses, developments, subdivisions and/or other residential living arrangements pursuant to the Zoning Ordinance; and

524.B. General Standards for Park and/or Recreation Land Set-Aside by the Developer

1. Unless otherwise approved by the Borough Council, where the developer elects to fulfill the requirements of this Article through an offer of dedication of land to the Borough, the developer shall demonstrate to the satisfaction of the Borough that the land will support a legitimate park and recreation use considering were relevant the following factors:
 - a. Consistency with the Borough Comprehensive Plan;
 - b. Consistency with the Borough Official Map;
 - c. Availability for use by the public;
 - d. Location entirely within New Freedom Borough.
 - e. Means for public ingress and egress.
 - f. Accessibility to essential utilities and services.
 - g. Ability to accommodate vehicle parking facilities.
 - h. Suitability of land characteristics for the intended use, including but not limited to configuration, natural and cultural features, and man-made features;
 - i. Compatibility with surrounding neighborhood;
 - j. Proximity to other community facilities; and
 - k. Such other factors that the Borough may deem relative.

Article 6

Manufactured Home Park

Section 601 General

The standards and requirements contained in this Article and the Borough Zoning Ordinance shall apply as minimum design standards for manufactured home parks. Whenever other Borough ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.

Section 602 Procedure

All proposed manufactured home parks, and expansions to existing manufactured home parks, shall conform to the procedural and application requirements of this Ordinance for subdivision and land development (see Article 2, Article 3, and Article 4).

Section 603 Design Standards

- 603.A. General** - The standards and requirements contained in Article 5 shall apply as minimum design standards for subdivisions and/or land developments.
- 603.B. Driveways and Joint Use Driveways** - Driveways to manufactured homes must access onto the interior street or access drive system of the manufactured home park. Direct driveway access to an existing adjoining public street is prohibited.
- 603.C. Intersections** - A fifty-five foot (55") tangential arc shall be provided at the cartway edge for all intersections of both streets and access drives.
- 603.D. Sidewalks** - Sidewalks shall be provided along both sides of streets and access drives and, where applicable connect manufactured homes to parking compounds and service buildings.
- 603.E. Public Sanitary Sewage Disposal** - Each manufactured home unit shall be directly connected to and served by public sanitary sewer facilities.
- 603.F. Public Water Supply and Fire Hydrants** - Each manufactured home unit shall be directly connected to and served by public water supply facilities.

Administration and Enforcement

Section 701 General

701.A. Prohibited Acts - It shall be a violation of this Ordinance for any person to perform or commence the following without first complying with all applicable provisions of this Ordinance:

1. Lay out, construct, open, transfer, and/or dedicate any street, sanitary sewer, storm sewer, water main or other improvement for public use, travel or other purposes, when part of a subdivision or land development;
2. Sell, transfer or enter into an agreement to sell or transfer any land in or relating to a subdivision or land development;
3. Construct or erection any building or structure which constitutes a land development or which otherwise requires a land development or subdivision application; or
4. Commence site grading or site improvements associated with a land development or subdivision unless otherwise authorized by the Borough.

Section 702 Enforcement of Security

The Borough may enforce any security posted pursuant to this Ordinance for the construction of any required improvements which have not been constructed or installed in accordance with this Ordinance, the improvements agreement, or the conditions of approval. If the balance of the security is insufficient to pay the costs of installation, repair, or correction of the required improvements, the Borough may institute proceedings at law or in equity to recover sums spent or to otherwise secure the completion of the work.

Section 703 Borough Not Engaged in Development

Borough review and approval of a Application or the subsequent observation and approval of required improvements, shall not constitute land development on behalf of or by the Borough or otherwise cause the Borough to be engaged in the process of land development. By submitting an application under this Ordinance, the developer hereby agrees to indemnify, defend, and hold harmless the Borough and all its agents, servants, employees, officials and consultants of and from any and all claims, demands, causes of action or suits which arise out of or relate to the review, approval, construction or observation of the developer's Application and required improvements.

Section 704 Developer Responsibility

Absent the receipt of a waiver approved by the Borough in accordance with this Ordinance, the developer shall comply with the requirements of this Ordinance, the conditions of approval, the improvements agreement and all applicable laws and regulations. The approval of a Application or the construction of required improvements in violation of any of the above does not constitute a waiver or otherwise absolve the developer of responsibility for full compliance with all of the requirements relative to a subdivision or land development.

Section 705 Erroneous Approval

- 705.A. Fraudulent, Misleading or Materially Inaccurate Information** - The approval of a Application by the Borough based upon any fraudulent, misleading or materially inaccurate information shall be voidable at the sole discretion of the Borough.
- 705.B. Approvals in Violation of Ordinance** – Notwithstanding approval of the Application by the Borough, the developer shall not be relieved of the obligation to comply with all applicable ordinances, laws and regulations.
- 705.C. Remedies** – Upon discovery of an erroneous approval under Section 705.A. or Section 705.B. the developer may be subject to the remedies contained in this Article and the modification or revision of the approved Application to correct the defect. Unless authorized by the Borough, processing of the Application or performance of work there under shall cease.

Section 706 Preventive Remedies

- 706.A.** In addition to any other available remedies, the Borough may institute and maintain appropriate actions at law or in equity to:
1. Restrain, correct, or abate violations;
 2. Prevent unlawful construction;
 3. Recover damages, including but not limited to court costs and attorney fees; and
 4. Prevent illegal occupancy of a building, structure, or premises.

The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- 706.B.** The Borough may refuse to issue any permit, refuse to issue an approval, or revoke a permit or an approval that is necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to Article 5 of the MPC. This authority to deny or revoke such a permit or revoke approval shall apply to any of the following applicants:
1. The owner of record at the time of such violation;
 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation;
 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation; and
 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

Section 707 Enforcement Remedies

- 707.A.** Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment 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 payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day (5) following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- 707.B.** The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- 707.C.** Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.
- 707.D.** District Justices shall have initial jurisdiction in proceedings brought under Section 703 of this Ordinance.

Section 708 Remedies Not Exclusive

Remedies available to the Borough as set forth in this Ordinance shall not be deemed to be exclusive and, in addition to such remedies the Borough shall have available all other appropriate remedies at law or in equity.

Section 709 Severability

The provisions of this Ordinance are severable, and should any Article, Section, subsection, paragraph, clause, phrase, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid.

Section 710 Repeal

The Subdivision and Land Development Ordinance of the Borough of New Freedom, Ordinance of 1992 as enacted and ordained on November 23, 1992, and as subsequently amended, is hereby repealed in its entirety; provided, however, this repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceeding at law or in equity pertaining to any act done which constitutes or would have constituted a violation of that Ordinance. Except as otherwise provided in the MPC, the provisions the Subdivision and Land Development Ordinance of the Borough of New Freedom, Ordinance of 1992, as amended, shall remain in full force and effect and are not repealed with respect to applications filed prior to the effective date of this Ordinance.

Section 711 Adoption and Effective Date

This Subdivision and Land Development Ordinance shall become effective five (5) calendar days after its enactment by the Borough Council of New Freedom, County of York, Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this ____ day of _____, 2012, by the Borough Council of New Freedom, York County, Pennsylvania, by a lawful session duly assembled.

ATTESTED

BOROUGH COUNCIL OF NEW FREEDOM

_____ Secretary

By: _____
President/Vice President

Approved this ____ day of _____, 2012

Mayor