

Chapter 22

Subdivision and Land Development

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Part 1**General Provisions****§22-101. Short Title.**

This Chapter shall be known as the “Akron Borough Subdivision and Land Development Ordinance.”

(*Ord. 00030, 7/11/2005, §101*)

§22-102. Purpose.

These regulations are adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare of the Borough of Akron.

B. To guide the future growth and development of the Borough of Akron, in accordance with the Comprehensive Plan of the Borough of Akron.

C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.

D. To protect the character and social and economic stability of the Borough of Akron and to encourage the orderly and beneficial development of the Borough of Akron.

E. To protect and conserve the value of land throughout the Borough of Akron, and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.

F. To guide public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, stormwater management, schools, parks, playgrounds, recreation, and other public requirements and facilities.

G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic within the Borough of Akron, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

H. To establish reasonable standards of design and procedures for subdivision and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

I. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources in order to preserve the community and value of the land.

K. To preserve the natural beauty and topography of the Borough of Akron and to ensure appropriate development with regard to these natural features.

L. To provide for open spaces through efficient design and layout of the land.

M. To ensure that documents prepared as part of a land ownership transfer fully and accurately describe the parcel of land being subdivided, and the new parcels thus created.

N. To provide consistency between this Chapter of the Akron Borough Code of Ordinances, the SWMO [Chapter 17] and the SALDO. [Ord. 00077]

(Ord. 00030, 7/11/2005, §102; as amended by Ord. 00077, 4/14/2014, §1)

§22-103. Authority.

1. *Authority of the Akron Borough Council.* The Borough Council of Akron is vested by law with the control of the subdivision of land and land development within Akron Borough by 53 P.S. §10101 *et seq.*, the Pennsylvania Municipalities Planning Code. The Akron Borough Council shall retain the authority to take action on all subdivision plans and land development plans as required herein.

2. *Authority of the Akron Borough Planning Commission.* The Akron Borough Planning Commission is hereby designated by the Akron Borough Council as an agency which shall review and make recommendations on preliminary and final subdivision and land development plans as required herein, prior to action by the Akron Borough Council, and when provided by ordinance, make other recommendations.

(Ord. 00030, 7/11/2005, §103)

§22-104. Application of Regulations.

Land Development and Subdivision Control. Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to, the filing of preliminary and final plats, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by resolution of the Akron Borough Council. No subdivision, as herein defined, of any lot, tract or parcel of land shall be effected and no street, alley, 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 abutting or to abut thereon, except in strict accordance with the provisions of this Chapter. No lot in any subdivision may be sold, and no permit to erect, alter or repair any building upon land in a subdivision may be issued and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and recorded and until the improvements required by the Akron Borough Council in connection therewith have either been constructed or guaranteed as herein provided in §21-607.

(Ord. 00030, 7/11/2005, §104)

§22-105. Interpretation and Conflicts.

1. *Interpretation.* In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.

2. *Conflict with Public and Private Provisions.*

A. *Public Provisions.* Where any provision of this Chapter imposes restrictions different from those imposed by any other provision of this Chapter or any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall be applied.

B. *Private Provisions.* This Chapter is not intended to abrogate any easement, covenant or any identified floodplain area or other private or public agreement or restriction, provided that where the provisions of this Chapter are more restrictive or impose higher standards or regulations than such easement, covenant, or other private or public agreement or restriction, the requirements of this Chapter shall govern. Where the provisions of the easement, covenant or private or public agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Akron Borough Council in approving a subdivision or in enforcing this Chapter or determinations thereunder, then such private or public provisions shall be operative and supplemental to these regulations and determinations made thereunder.

3. *Municipal Liability.* The grant of a permit or approval of a plan for any proposed subdivision and/or land development to be located within the Borough shall not constitute a representation, guarantee, or warranty of any kind by the Akron Borough or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Akron Borough, its officials or employees.

(Ord. 00030, 7/11/2005, §105)

§22-106. Modifications.

1. Modifications shall be processed pursuant to the standards and procedures of §512.1 of the Municipalities Planning Code, 53 P.S. §10512.1.

2. All requests for modification shall be in writing and shall accompany and be part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Chapter involved and the minimum modification necessary. Review fees and filing fees shall be paid, in advance, as are set from time to time by resolution of Borough Council.

3. The request for modification shall be referred to the Akron Borough Planning Commission for advisory comments.

4. The Akron Borough Council shall keep a written record of all action on all requests for modifications and may impose conditions as part of the approval.

5. Any modifications of stormwater management regulations shall be processed pursuant to the SWMO [Chapter 17] and applicable rules and regulations of the Pennsylvania Department of Environmental Protection. [Ord. 00077]

(Ord. 00030, 7/11/2005, §106; as amended by Ord. 00077, 4/14/2014, §2)

§22-107. Preventative Remedies.

1. In addition to other remedies, the Akron Borough may institute and maintain

appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

2. The Borough of Akron may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or land development of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

A. The owner of record at the time of such violation.

B. The vendee or lessee of the owner of record at the time of such violation without regards as to whether such vendee or lessee had actual or constructive knowledge of the violation.

C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owners, vendee or lessee for the development of any such real property, the Borough of Akron 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.

(Ord. 00030, 7/11/2005, §7)

Part 2**Definitions****§22-201. Interpretation.**

For the purpose of this Chapter the terms and words listed in this Part shall have the meaning herein defined. Words not herein defined shall have the meanings given in the order listed hereafter. The Pennsylvania Municipalities Planning Code, the Stormwater Management Ordinance [Chapter 17], the Akron Borough Zoning Ordinance, other Borough ordinances and the *New International Webster's Dictionary of the English Language*, Deluxe Encyclopedia Edition, (1995) and shall be interpreted so as to give this Chapter its most reasonable application. For the purpose of this Chapter, the following rules of definition interpretation shall apply. The present tense shall include the future; the singular number shall include the plural; words used in the masculine gender shall include the feminine and the neuter; the word “shall” is always mandatory; the word “may” is always permissive.

(*Ord. 00030*, 7/11/2005, §201; as amended by *Ord. 00077*, 4/14/2014, §3)

§22-202. Terminology.

Access drive - a private drive providing pedestrian and vehicular access between a public or private street and a parking area(s) within a land development and any driveway servicing two or more units of occupancy on a single lot or contiguous lots. The access drive is not intended to include any portion of the travel lane abutting parking areas.

Applicant - a land owner or developer, who with permission of all land owners, has filed an application for development, including their respective heirs, successors and assigns. [*Ord. 00077*]

Block - a tract of land bounded by streets, or by combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or waterways.

Borough - Borough Council of Akron Borough, Lancaster County, Pennsylvania.

Borough Engineer - a professional engineer, or a professional engineer group or assistant, licensed in the Commonwealth of Pennsylvania, and duly designated by the Borough to perform the duties of engineer as herein described.

Building - any structure constructed or used for a residence, business, industry, or other public or private purposes, or accessory thereto, and including porches, swimming pools, tents, lunch wagons, dining cars, trailers, and similar structures, whether stationary or movable, but excluding authorized fences and walls which are part of the landscaping, signs and awnings.

Cartway - the surface of a street, access drive or alley available for vehicular traffic.

Conservation District - Lancaster County Conservation District.

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

County - the County of Lancaster, Pennsylvania.

County Planning Commission - the Planning Commission of the County of Lancaster.

Cut - an excavation. The difference between a point on the original ground and designated point of lower elevation of the final grade.

Development - any man-made change to improved or unimproved real estate including, but not limited to, the construction or placement of buildings or other structures, mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.

Drainage - the removal of surface water or groundwater from land by drains, grading or other means, including control of runoff to minimize erosion and sedimentation during and after construction or development.

Driveway - a private means of vehicle access from a public or private street to a single lot.

Easement - a grant for the use of a parcel of land by the public, any other entity, or a person, normally for a specified public purpose in which the owner of the property shall have the right to make any other use of the land which does not adversely affect the use of the easement; i.e., utility, drainage.

Engineer - a registered professional engineer in the Commonwealth of Pennsylvania.

Erosion - the natural process by which the surface of the land is worn away by water, wind or chemical action. [Ord. 00077]

Essential services - Borough stormwater facilities, whether on-premises or off-premises, shall be considered essential services. [Ord. 00077]

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

Historic structure - any building, structure or object that: (A) is listed on the National Register of Historical Places, (B) has received a determination of eligibility for the National Register from the National Park Service, (C) is listed on the Lancaster County Historic Sites Register or the Comprehensive Site Survey of Lancaster County, both of which are maintained by the Historic Preservation Trust of Lancaster County or (D) is listed on any officially adopted municipal register or inventory of historical features. This term shall include the principal structures, accessory structures, fences, road alignments and signs associated with such features.

Impervious surface (impervious area) - surfaces which prevent the infiltration of water into the ground. All structures, buildings, parking areas, driveways, roads, streets, sidewalks, and any areas of concrete, decks, asphalt, stone, and compacted earth shall be considered impervious surface if they prevent infiltration. [Ord. 00077]

Improvements - those physical additions, installations, and changes required to render land suitable for the use intended including, but not limited to, grading, paving, curbing, street lights, signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and street shade trees. (See also "off-site and on-site improvements.")

Land development - any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

(2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Development in accordance with §503(1.1) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10503(1.1).

Land disturbance - any activity involving grading, tilling, digging, or filling of ground or stripping of vegetation or any other activity that causes an alteration to the natural condition of the land.

Lot - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit and having a frontage on a dedicated street or road.

Marker - a wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

Monument - a concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

Municipalities Planning Code (MPC) - Act of July 31, 1968, 53 P.S. 10101 *et seq.*, as amended from time to time.

On-site improvements - all improvements constructed on the applicant's property, or the improvements constructed on the property for the ingress or egress to the applicant's property, or for stormwater or utilities and required to be constructed by the applicant pursuant to any municipal ordinance, including, but not limited to, the municipal Building Code [Chapter 5, Part 1], this Chapter and Zoning Ordinance [Chapter 27].

Performance guarantee - any security which may be in lieu of a requirement that certain improvements be made before the Borough Council approves a final subdivision or land development plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Plan, final - a complete and exact subdivision plan or land development plan, prepared for official recording as required by law, to define property rights and proposed streets and other improvements.

Plan, preliminary - a tentative subdivision plan or land development plan, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

Plan, sketch - an informal plan, subdivision or land development plan, to scale, indicating salient existing features of a tract and its surroundings and the general

layout of the proposed subdivision.

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

Reserve strip - a narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

Reverse frontage lot - a lot extending between and having frontage on two streets with vehicular access solely from the street of lower classification.

Right-of-way - a corridor of land set aside for use, in whole or in part, by a street.

Sediment - soils or other materials transported by stormwater as a product of erosion. [Ord. 00077]

Sewer, Borough - system, publicly owned by the Borough of Akron, for the collection of sewage or industrial wastes of a liquid conveyed by a system of pipes to an off-site facility for the treatment and disposal of the sewage or industrial waste through means approved by the Pennsylvania Department of Environmental Protection.

Sight distance (“clear-sight triangle”) - the unimpeded view which a vehicle operator has along the street he is traveling or the street he is entering or crossing, such distance related to driver reaction time and posted speed limits, and assuming the operator's eye level is between 3 feet, 6 inches and 10 feet above the pavement. Sight distance shall be established by measuring a triangle 100 feet from the point of intersection of the center lines of the streets. No building, structure, planting, parking, or other structure that would obscure the vision of a motorist shall be permitted within such area. Borough signage and utility poles shall not be considered offending structures. In the cases of fences and walls in the front yard setback or building line, they shall also not extend beyond the greater of one-half the front yard setback or building line distance as those terms are defined in Chapter 27 of the Code of Ordinances of the Borough of Akron (the “Akron Borough Zoning Ordinance”). [Ord. 00056]

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

Stormwater management facility (SWM facility) - any structure, natural or man-made, that, due to its condition, design or construction, conveys, stores, infiltrates, evaporates, transpires, cleans or otherwise effects stormwater runoff. Typical SWM facilities include, but are not limited to, detention and retention basins, open channels, water courses, road gutters, swales, storm sewers, pipes, BMPs, and infiltration structures. [Ord. 00077]

Stormwater management plan - the plan for managing stormwater run-off adopted by the County of Lancaster, pursuant to the requirements of the Storm Water Management Act, 32 P.S. §680.1 *et seq.* [Ord. 00077]

Street, road or highway - as set forth in §22-504.

Subdivision - the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural

purposes into parcels more than ten acres not involving any new street or easement of access or any residential dwelling, shall be exempted.

Swale - a low lying stretch of land which gathers or carries surface water run-off. [Ord. 00077]

SWMO - Chapter 17 of the Borough of Akron Code of Ordinances, as it currently exists and as it may be hereinafter amended. [Ord. 00077]

Water course - a channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow. [Ord. 00077]

Zoning Officer - the Borough official appointed by Council to serve as Zoning Officer pursuant to the provisions of the Pennsylvania Municipalities Planning Code. When used herein the term “Zoning Officer” shall also refer to such additional or alternate official as may be appointed, from time to time by Council, for purposes of managing the functions of the Zoning Officer.

Zoning ordinance - Chapter 27 of the Borough of Akron Code of Ordinances, as it currently exists and as it may be hereinafter amended. [Ord. 00077]

(Ord. 00030, 7/11/2005, §202; as amended by Ord. 00056, 4/11/2011, §I; and by Ord. 00077, 4/14/2014, §4)

Part 3**Procedures****§22-301. General Procedure.**

1. *Subdivision and Land Development Control.* No lot, tract, or parcel of land shall be subdivided and no land may be developed, and no street, sanitary sewer, stormwater or water main may be laid out, constructed, opened or dedicated for public use or for the use of occupants of buildings abutting or to abut on them, except in accordance with provisions of this Chapter and other applicable Borough ordinances and resolutions and any and all Federal, State, and County laws, regulations and ordinances. No lot in a subdivision may be sold, no permit to build, alter, or repair any building on land in a subdivision or land development may be issued, and no building may be erected in a subdivision or land development until a final subdivision and land development plan has been approved and recorded, in accordance with this Chapter and, where required, improvements have been completed or their completion has been assured by a performance guarantee consistent with the terms of Article V of the Municipalities Planning Code, 53 P.S. §10501 *et seq.* and this Chapter.

2. *Preapplication Borough Consultation.* Prior to filing an application for approval of a subdivision or land development within Akron Borough, the owner or his authorized agent is strongly encouraged to meet with the Akron Borough Manager.

3. *Preapplication Conservation District Consultation.* Prospective developers should consult with the Lancaster County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development.

4. *Official Filing Date.* Upon receipt of an application for subdivision or land development approval, the Zoning Officer shall affix to the application both the date of submittal and the official filing date.

5. *Lancaster County Planning Commission Review.* All plans shall be submitted by the applicant to, and reviewed by, the Lancaster County Planning Commission in accordance with its then prevailing rules and regulations. The Borough shall forward to the applicant a copy of any report of the Lancaster County Planning Commission.

6. *SWMO [Chapter 17].* All plans submitted shall contain all planning and data required by the SWMO [Chapter 17], unless the same has been supplied previously in separate proceedings. [Ord. 00077]

(Ord. 00030, 7/11/2005, §301; as amended by Ord. 00077, 4/14/2014, §5)

§22-302. Fee Schedule.

1. *Plan Filing Fee.* A filing fee shall accompany all plans and waiver requests. No application shall be accepted or acted upon unless payment is made to the Akron Borough. The Borough Council shall adopt by resolution a schedule of fees to be paid by the subdivider or land developer to defray the cost of administering and processing of plans. The schedule of fees may be changed from time to time by resolution of the Borough Council.

2. *Review Fees.*

A. Review fees shall include the reasonable and necessary charges by the Akron Borough's professional consultants and/or engineer for review and report to the Borough Council, and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Akron Borough Engineer and/or consultant for similar service in the community, but in no event shall the fees exceed the rate of cost charged by the Engineer and/or consultant to the Akron Borough when fees are not reimbursed or otherwise imposed on applicants.

B. Deposits shall be paid in advance at time of application to be applied to review fees. Deposits shall be set from time to time by resolution of Borough Council.

3. Filing fees and review fees shall be submitted with all sketch, preliminary, and final plans.

4. All fees, costs and deposits under the SWMO [Chapter 17] have been previously paid by the applicant or shall be submitted with all fees, costs and deposits submitted pursuant to the above. [Ord. 00077]

(Ord. 00030, 7/11/2005, §302; as amended by Ord. 00077, 4/14/2014, §6)

§22-303. Submission of Sketch Plan.

1. Applicants for subdivision or land development may submit a sketch plan to the Borough Planning Commission for review prior to submission of a formal application. However, submission of a sketch is not mandatory. The submission of a sketch plan does not constitute a formal subdivision or land development application.

2. Sufficient copies (no less than 10) of the entire sketch plan may be submitted to the Borough office for distribution to the Planning Commission, Zoning Officer, Solicitor and Borough Engineer 14 working days prior to the Planning Commission meeting at which the sketch plan is to be discussed.

3. Applicant shall also submit 8 x 17 site plans for review by other Borough officials and the public, in such numbers as the Zoning Officer shall designate.

(Ord. 00030, 7/11/2005, §303)

§22-304. Review of Sketch Plan.

1. The Planning Commission shall, at a meeting with the applicant, consider the suitability of the sketch plan for the development of the land and its relationship to the harmonious extension of streets and utilities, arrangement and density of housing, and compatibility of the plan with the Comprehensive Plan for the Borough. Based on this meeting, the Planning Commission shall submit its written comments to the applicant; provided, however, that the failure of the Planning Commission to submit comments in writing shall not be deemed to be an approval of any applicant or to vest any rights in the applicant.

2. The applicant may, but need not, request further review of the sketch plan by the Borough Council. If further review is requested, Borough Council may consider the sketch plan, may consider the written or other comments of the Planning Commission, may meet with the applicant, and may advise the applicant as to the Board's comments

with respect to the sketch plan, provided, however, that Borough Council is not required to review the sketch plan nor submit comments to the applicant if Borough Council does review the sketch plan.

3. Where the submission of a sketch plan is optional, nothing herein contained, nor the failure of the Planning Commission or Borough Council, or both, to proceed or act in accordance with this Section, shall be deemed to be a decision with respect to any such subdivision or land development plan or to vest any rights in the applicant.

(*Ord. 00030, 7/11/2005, §304*)

§22-305. Submission of Preliminary Plans.

1. All preliminary plans submitted pursuant to this Chapter shall conform to the requirements of this Chapter and shall, in addition, conform to such administrative regulations of the Borough as may have been adopted by Borough Council at any time or from time to time and as shall be in effect and applicable to the submission at the time such submission is initiated. All submissions shall be on the form promulgated by the Borough for the submission of subdivision or land development plan and shall be submitted 14 working days prior to the Planning Commission meeting, at which the plan will be reviewed.

2. Official submission of a preliminary plan to the Borough Zoning Officer shall consist of:

A. The applicant for review of preliminary subdivision or land development plan on the form promulgated by the Borough for this purpose.

B. Sufficient copies (no less than 10) of the entire preliminary plan shall be submitted to the Borough Zoning Officer for distribution to the Planning Commission, Zoning Officer, Solicitor, Planning Commission Members, Borough Council members and Borough Engineer 14 working days prior to the Planning Commission meeting at which the preliminary plan is to be discussed.

C. Applicant shall also submit 11 x 17 site plans for review by other Borough officials and the public, in such numbers as the Zoning Officer shall designate.

D. Payment of application fees and deposit of escrow for plan review costs as prescribed in the applicable fee schedule.

3. Upon submission of a complete application, together with all required fees and escrow deposits, the Borough Zoning Officer shall accept the application, plans, and other required materials as filed, and shall transmit the requisite number of copies of the plans and other required materials to the Borough Manager, Borough Zoning Officer, Planning Commission members, Borough Solicitor, Borough Engineer and Borough Council members. In addition the Applicant shall transmit copies together with all required review fees to:

A. The Lancaster County Planning Commission. The Lancaster County Planning Commission, together with Appendix 24 or such other application as the Lancaster County Planning Commission shall have in effect at that time.

B. The Lancaster County Conservation District (one copy) for review of matters relating to drainage and abatement of soil erosion. The applicant shall pay any costs for such review.

C. Such additional persons or agencies as the Borough shall determine.

D. *Borough Council.*

(1) Following an opportunity for review and recommendation by the Planning Commission and submittal of the preliminary plan to Borough Council, such plan shall be placed on its agenda for review and action.

(2) In acting on the preliminary subdivision or land development plan, Borough Council shall review the plan and such written comments as are received from the Planning Commission, Borough Engineer, Borough Solicitor, County Planning Commission and all other review agencies, and comments from public hearings, if any, to determine conformity of the application to the standards of this and any other applicable ordinance. Borough Council may specify conditions, changes, modifications, or additions to the application which Council deems necessary and may make a decision to grant preliminary approval citing appropriate provision as prescribed in paragraph .D below.

C. For the purposes of §508 of the Municipalities Planning Code, 53 P.S. §10508, the Borough Planning Commission is the body which first reviews any application. All application for preliminary approval of a plan shall be acted upon by Borough Council and communicated to the applicant consistent with §508 of the Municipalities Planning Code.

D. The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to the applicant consistent with §508 of the Municipalities Planning Code, 53 P.S. §10808. The form and content of the decision shall comply with applicable requirements of the Municipalities Planning Code.

E. Whenever the approval of a preliminary plan is subject to conditions, the written action of Borough Council shall specify each condition of the approval and require the applicant's written agreement to the conditions. Where the applicant's written concurrence is not received within the time specified, Borough Council shall be deemed to have denied approval.

(Ord. 00030, 7/11/205, §305)

§22-306. Submission of Final Plans.

1. The final plan shall conform to the terms of the approval of the preliminary plan and to the most recent administrative regulations adopted by the Borough.

2. Borough Council may permit submission of the final plan in sections, pursuant to the terms of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

3. Official submission of a plan to Borough Secretary or in her/his absence, the Borough Zoning Officer, shall consist of:

A. The application for review of final subdivision or land development plan on the form promulgated by the Borough for this purpose.

B. Sufficient copies (no less than 10) of the entire final plan shall be submitted to the Borough Zoning Officer for distribution to the planning commission, Zoning Officer, Solicitor, Borough Council and Borough Engineer 14 working days prior to the Planning Commission Meeting at which the final plan is to be discussed.

C. Applicant shall also submit 11 x 17 site plans for review by other Borough

officials and the public, in such numbers as the Zoning Officer shall designate.

D. Payment of application fees and deposit of escrow for plan review costs as prescribed in the applicable fee schedule.

4. Upon submission of a complete application, together with all required fees and escrow deposits, the Borough Secretary shall accept the application, plans, and other required materials as filed, and shall transmit the requisite number of copies of the plans and other required materials to the Borough Manager, Borough Zoning Officer, Planning Commission members, Borough Solicitor, Borough Engineer and Borough Council members. In addition, the applicant shall transmit copies together with all required review fees to:

A. The Lancaster County Planning Commission, the Lancaster County Planning Commission, together with Appendix 24 or such other application as the Lancaster County Planning Commission shall have in effect at that time.

B. The Lancaster County Conservation District (one copy) for review of matters relating to drainage and abatement of soil erosion. The applicant shall pay any costs for such review.

C. Such additional persons or agencies as the Borough shall determine.

(Ord. 00030, 7/11/2005, §307)

§22-307. Review of Final Plans.

1. *Borough Planning Commission.*

A. The Planning Commission shall review the final plan submitted and shall consider any recommendations of the Borough Engineer, the Borough Solicitor, the Borough Zoning Officer and any other reviewing agency submitting comments.

B. After such review, the Zoning Officer shall send written notice of the action of the Planning Commission and the reasons therefore, citing specific sections of the statutes or ordinances relied upon to: (1) Borough Council, (2) the applicant and (3) the governing body of any adjacent municipality if the proposed project includes land in that municipality or directly on its boundaries.

2. *Borough Council.*

A. When the Planning Commission has officially returned a written report on a final plan to Borough Council, such plan shall be placed on the agenda of Borough Council for review.

B. In acting on the final subdivision or land development plan, Borough Council shall review the plan and the written comments of the Planning Commission, Borough Engineer, Borough Solicitor, County Planning Commission and all other review agencies, and comments from public hearings, if any, to determine conformity of the application to the standards of this and any other applicable ordinance. Borough Council may specify conditions, changes, modifications, or additions to the application which Council deems necessary and may make a decision to grant approval citing appropriate provision as prescribed in paragraph .D below.

C. For the purposes of §508 of the Municipalities Planning Code, 53 P.S. §10508, the Borough Planning Commission is the body which first reviews any application. All applications for final approval of a plan shall be acted upon by

Borough Council and communicated to the applicant consistent with §508 of the Municipalities Planning Code.

D. The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to the applicant consistent with §508 of the Municipalities Planning Code, 53 P.S. §10508. The form and content of the decision shall comply with applicable requirements of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

E. Whenever the approval of a final plan is subject to conditions, the written action of Borough Council shall specify each condition of the approval and require the applicant's written agreement to the conditions. Where the applicant's written concurrence is not received within the time specified, Borough Council shall be deemed to have denied approval.

F. Copies of the final plan as finally approved, with the appropriate signature blocks for Borough Council and Borough Planning Commission endorsements, shall be distributed by the applicant as follows: (1) One mylar copy of the complete final plan to the Borough Secretary to be endorsed by Borough Council and the Borough Planning Commission prior to its recording. (2) One print copy of the complete final plan to be retained in the Borough files, together with one copy of all supporting materials. (3) Upon recording, one mylar and one print copy of the complete final plan recorded in accordance with §22-310 to be retained in the Borough files.

3. No final plan shall be approved unless:

A. All improvements have been satisfactorily completed and installed as required by this Chapter.

B. In lieu of the completion and installation of any improvements required as a condition of final plan approval, the applicant shall provide financial security in accordance with provisions of §22-309 herein.

C. The applicant shall execute a subdivision and land development agreement in accordance with §22-308 herein.

D. If requested, the applicant shall tender a deed of dedication to the Borough for such streets, any and all easements for sanitary sewers, water lines, or storm sewers, and improvements thereto, including street paving, sidewalks, shade trees, water mains, fire hydrants, sanitary and storm sewers, manholes, inlets, pumping stations, and other appurtenances as shall be constructed as public improvements and as are required for the promotion of public welfare, after all streets, sidewalks, sewers and the like are completed and such completion is certified as satisfactory by the Borough Engineer. Borough Council may require that the applicant supply a title insurance policy from a licensed company before any property is accepted by the Borough.

E. Whenever the applicant is providing open space as part of the development, an easement in perpetuity restricting such open space against further subdivision or development shall be executed between the applicant and the Borough or an organization acceptable to the Borough, and shall run to the benefit of the Borough and lot purchasers in the subdivision or land development. A recorded copy of the deed of easement shall be presented prior to the issuance of any building permit within the subdivision or land development.

F. The applicant shall have applied for all required permits from agencies having jurisdiction over ancillary matters necessary to effect the subdivision or land development, such as the PennDOT, DEP, etc.

(Ord. 00030, 7/11/2005, §308)

§22-308. Subdivision and Land Development Agreements.

The applicant shall execute an agreement, to be approved by the Borough, before the final plan is approved by Borough Council and filed on record. Said agreement shall specify the following where applicable:

A. The applicant shall agree to lay out and construct all streets and other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, trees, storm and sanitary sewers, landscaping, traffic control devices, open space areas, and erosion and sediment control measures and other required improvements in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval.

B. The applicant shall guarantee the completion and maintenance of all improvements by means of a type of financial security acceptable to the Borough, as specified in §22-309 of this Chapter.

C. The applicant shall agree to tender a deed or deeds of dedication to the Borough for such streets and for such easements for sanitary and storm sewers, sidewalks, manholes, inlets, pumping stations, and other appurtenances as shall be constructed as public improvements, provided that the Borough shall not accept dedication of such improvements until their completion is certified as satisfactory by the Borough Engineer and all procedures have been accomplished at the owner's expense so that the Borough has in its possession all necessary paperwork to accept dedication and to apply for liquid fuel tax reimbursement from the Commonwealth of Pennsylvania. The Borough shall have no duty to accept tendered improvements that were not agreed to be accepted at the time of plan approval.

(Ord. 00030, 7/11/2005, §309)

§22-309. Performance Guarantees.

1. When requested by the developer, in order to facilitate financing, the Borough shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan shall neither be signed nor recorded until the financial improvement agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days from the date of said resolution unless a written extension is granted by the Borough; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

2. Financial security required herein shall be in the form of a Federal or Commonwealth chartered lending institution irrevocable letter of credit, a restrictive or escrow account in such institution or with a financially responsible bonding company, or such other type of financial security which the Borough may approve in accordance with the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

3. The said financial security shall provide for, and secure to the public the completion of all subdivision improvements for which such security is being posted within 1 year of the date fixed in the subdivision plan and subdivision agreement for such completion of such improvements unless a later date is agreed to between the applicant and Borough Council. The amount of financial security required shall be based upon estimates of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer, licensed in Pennsylvania, and certified by such engineer to be a fair and reasonable estimate of such costs. Borough Council, upon the recommendation of the Borough Engineer, may refuse to accept such estimate should the Borough Engineer feel that the estimate is unrealistically low. If the applicant and the Borough are unable to agree upon an estimate, the estimate shall be determined in accordance with the terms of §509(g) of the Municipalities Planning Code, 53 P.S. §10509(g).

4. Where development is projected over a period of years, Borough Council may authorize submission of final plans by section or stage of development, subject to such requirements of guarantees as to improvements in the future sections or stages of developments as it finds essential for the protection of any finally approved section of the development, and consistent with the terms of §508(4) of the Municipalities Planning Code, 53 P.S. §10508(4).

5. As the work of installing the required improvements proceeds, the party posting the financial security may request Borough Council to release or authorize to be released, from time to time, such portions of the financial security necessary for payment to the contractor performing the work. Any such requests shall be in writing addressed to Borough Council, and Borough Council shall act on said request pursuant to the provisions of the Municipalities Planning Code, 53 P.S. §10101 *et seq.* The Borough Engineer, in certifying the completion of work for a partial release, shall not be bound to the amount requested by the applicant, but shall certify to Borough Council his independent evaluation of the proper amount of partial releases. Borough Council may prior to final release at the time of completion and certification by the Borough Engineer, require retention of 10 percent of the estimated cost of the said improvements for maintenance and repair thereto for a period of no more than 18 months following final release in accordance with the provisions of this Chapter.

6. The Borough shall have the right, but no duty, to allow the developer to combine security under this Chapter and Chapter 17 relating to stormwater management facilities if such combination is reflected in an improvement guarantee agreement in a form acceptable to the Borough's Solicitor, which from time to time, may be adopted by resolution of Borough Council. [*Ord. 00077*]

(*Ord. 00030*, 7/11/2005, §310; as amended by *Ord. 00077*, 4/14/2014, §7)

§22-310. Recording of Final Plans.

In accordance with the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, the final plan shall be recorded by the applicant in the office of the Recorder of Deeds of Lancaster County, and a copy of the recorded plan shall be furnished to the Borough. If such plan should fail to be recorded within the specified period of time, and the time for recording has not been extended by the written action of Borough Council, then the approval thereof shall be considered null and void. Borough Council may reinstate approval of the plan and authorize its recording where, following expiration of the 90-

day period or any approved extension thereof, no significant changes to relevant Ordinance provisions or to other circumstances relevant to the proposed plan have been made. Conversely, in the event such changes to the proposed plan have occurred, the original plan approval shall continue to be null and void.

(*Ord. 00030, 7/11/2005, §311*)

§22-311. Commencement of Development.

1. No construction or land disturbance activities shall be commenced until the applicant submits to the Borough Zoning Officer a copy of the Lancaster County Recorder of Deed receipt for the recording of the final plan.

2. No applicant for permit under the Borough Zoning Ordinance [Chapter 27] shall be submitted and no permit under the Borough Zoning Ordinance [Chapter 27] shall be issued for any building in any subdivision or land development and no work shall be done on any building in any subdivision or land development until the final plans for the said subdivision or land development have been approved and recorded as provided for herein. Further, where final subdivision or land development approval has been conditioned upon the submission and approval of individual lot grading plans for some or all of the lots, no building permit shall be issued for construction on any such lot until this condition has been satisfied.

3. No water or sanitary sewer systems, including extensions to existing or proposed Borough systems shall be constructed prior to the issuance of appropriate permits from the Pennsylvania Department of Environmental Protection or from Federal or local agencies, as required.

(*Ord. 00030, 7/11/2005, §312*)

§22-312. Time Limitation of Plans.

The approval of any subdivision or land development plan shall be effective for periods established by §508(4) of the Municipalities Planning Code, 53 P.S. §10508(4). The aforementioned section of the Municipalities Planning Code shall control any phased submission and any vested rights which may accrue from the date of the preliminary plan approval.

(*Ord. 00030, 7/11/2005, §313*)

Part 4**Plan Requirements****§22-401. Sketch Plan.**

A sketch should include at least the following information:

- A. Name and address of the owner/applicant.
- B. *Written and Graphic Scale.* The plan shall be at a scale of 20 feet, 30 feet, 40 feet, 50 feet or 100 feet to an inch. The plan should be clearly titled "Sketch Plan."
- C. Tract boundaries.
- D. Location map.
- E. North point.
- F. Date of plan.
- G. Streets on and adjacent to the tract.
- H. Significant topographical physical features including floodplains if any.
- I. Proposed general street layout, buildings, parking lots, and open spaces.
- J. Existing improvements.
- K. The relationship of the proposed subdivision or land development to existing facilities which may serve or influence it, other development locations, main traffic arteries, public transportation lines, shopping centers, schools, churches, parks, and playgrounds.
- L. The location and nature of facilities required by the SWMO [Chapter 17].
[Ord. 00077]

(Ord. 00030, 7/11/2005, §401; as amended by Ord. 00077, 4/14/2014, §8)

§22-402. Preliminary Plan.

A preliminary plan shall consist of and be prepared in accordance with the following:

- A. *Geodetic Control.*
 - (1) All subdivisions and land developments causing the construction of new public infrastructure and/or alteration of existing infrastructure will require all surveys to be tied into the North American Datum (NAD) 1983 Pennsylvania State Plane Coordinates in feet and performed to third order control standards as set forth by the Federal Geodetic Control Committee.
 - (2) In the event that any point of the land subject to subdivision or land development are located more than ½ mile from any given permanent monument, the developer shall construct a new permanent monument.
 - (3) Subdivisions and land developments which do not cause the construction of any new infrastructure are not required to tie into NAD.
- B. *Drafting Standards.*

- (1) The plan shall be at a scale of 20, 30, 40 or 50 feet to an inch.
- (2) Dimensions shall be in feet and decimal parts thereof, bearings in degrees, minutes, and seconds.
- (3) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
- (4) The plan shall bear an adequate legend to indicate clearly which features are existing and which are proposed.
- (5) The plan shall be drawn, on a topographic survey, prepared by a professional registered in the Commonwealth of Pennsylvania to perform such topographic survey. The plan shall not have an error of closure greater than 1 foot in 10,000 feet. Contours shall be in 2-foot intervals.
- (6) Preliminary plans shall be on sheets not larger than 24 inches by 36 inches overall. It is recommended that, as far as practicable, preliminary plan sheets be held to the following overall sizes; 18 inches by 22 inches or 24 inches by 36 inches. Where necessary to avoid sheets larger than the maximum size prescribed above, preliminary plans shall be drawn in two or more sections, accompanied by a key diagram showing relative location of the Sections.

C. *Site Design and Layout Plan.*

(1) A key map for the purpose of locating the site to be subdivided or developed, at a scale of not less than 800 feet to an inch, showing the relation of the tract to adjoining property and to all streets and municipal boundaries existing within 1,000 feet of any part of the property proposed to be subdivided or developed.

(2) A plan set, prepared according to paragraphs .A and .B above, with accompanying narrative as needed, showing the following:

- (a) Proposed subdivision or land development name identifying title.
- (b) The plan title shall clearly state it is a preliminary plan.
- (c) Name and address of the landowner or his authorized agent.
- (d) The file or project number assigned to the plan by the licensed professional who prepared the plan.
- (e) Name and address of the licensed professional qualified pursuant to the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, to prepare the plan.
- (f) Zoning information including, but not limited to: zoning district, use, parking, lot size, yard, and any other zoning requirements, proof of any variance or special exceptions which may have been granted (and the date of the same), and any zoning boundaries that are within 200 feet of the tract.
- (g) Tract boundaries showing bearings and distances.
- (h) Total acreage of the tract to the nearest $\frac{1}{10}$ of an acre.
- (i) Original date of preparation, revision dates, north point and graphic scale.
- (j) The names of all owners of all adjacent lands, names of owners of

properties opposite public or private streets, names of all proposed and existing adjacent subdivisions and the locations and dimensions of any streets and/or rights-of-way and easements shown thereon.

(k) The names, locations and dimensions of all existing streets, sanitary sewers and storm sewers, water mains and feeder lines, fire hydrants, electric lines, oil and gas lines, water courses, buildings, sources of water supply, easements and other significant features within the property or within 300 feet of any part of the property proposed to be developed or subdivided.

(l) The location and widths of any streets or other public ways or places as shown upon an adopted local or county plan, if such plan exists for the area to be subdivided or developed.

(m) Locations of walkways and paths that have been in public use, with proposals for their continued protection through easement or otherwise.

(n) A full plan of the development, showing proposed lot layout with lot and block numbers in consecutive order and individual lot dimensions sufficiently detailed to demonstrate to the Borough how the proposed layout compares to zoning requirements and that it is mathematically attainable within the parcel being subdivided, and location of areas to be subject to easements of any kind.

(o) The location of all existing lot lines, markers, sources of title, deed references and tax map numbers.

(p) The location of all wetlands, floodplains, zoning districts, historical structures, wooded areas, archeological sites and cemeteries.

(q) Building yards, buildings to be demolished, street cross sections and profiles, street names, clear sight triangles, sanitary sewer and water easements and lines and laterals, stormwater plans, and stormwater profiles.

(r) In addition, the plan for a land development shall show, proposed building locations, location and size of parking lots, provisions for access and traffic control, locations of loading docks, and provisions for landscaping and lighting of the site.

(s) The amount of new square feet of impervious surface and its location, shall be noted on the plan.

(t) If the stormwater system is oversized, the extent of the oversizing shall be noted on the plan, together with the potential effects of the oversizing, as they may relate to future development.

(u) In addition to all other requirements, plans for multifamily developments also must include the following information:

- 1) Areas that are proposed to remain open.
- 2) Recreational areas.
- 3) Total dwelling units, number of buildings, total parking spaces and proposed density.

(v) Each plan shall show the location and characteristics of all improvements required by the SWMO [Chapter 17]. [Ord. 00077]

(3) All plans shall be accompanied by planning modules for land development provided by the Pennsylvania Department of Environmental Protection, including information with regard to the means of sewage disposal and provisions of water supply. All sewage disposal facilities shall be provided in accordance with the requirements of §22-601 herein. All plans shall include all other required reports and certifications including, but not limited to, traffic hydrological and wetland.

(4) A statement or certificate by the applicant indicating that the plans are or are not in compliance with engineering, zoning, subdivision, building, sanitation and other applicable Borough ordinances and regulations and if they are not the reasons for requesting the modification. The form of the statement shall be approved from time to time by resolution of Borough Council.

D. Traffic Evaluation Study.

(1) All residential developments or subdivisions and all nonresidential subdivisions or developments which will generate 100 or more average daily vehicle trips (ADT's) shall provide studies and reports in accordance with the requirements of this Section. All applicants with developments which do not meet the above stated criteria shall submit the information required in §22-subparagraph (3)(d).

(2) The applicant is responsible for assessing the traffic impacts associated with a proposed development which meets any condition set forth above. The Borough will review the applicant's assessment and supply available data upon request to aid the applicant in preparing the study. The applicant shall be responsible for all data collection efforts required in preparing a traffic impact study including peak period turning movement counts. In addition, the applicant is responsible for ensuring that any submitted development plans meet the minimum state and local standards for geometric design. The study shall be conducted only by a professional engineer that has verifiable experience in traffic engineering. Upon submission of a draft study, the Borough may review the data sources, methods and findings and provide comments in written form. The applicant will then have the opportunity to incorporate necessary revisions prior to submitting a final study.

(3) *Traffic Impact Study Contents.* A traffic impact study prepared for a specific site development proposal shall follow the basic format shown below. Additions or modifications should be made for a specific site, when appropriate. This basic format allows for a comprehensive understanding of the existing site, future conditions without the proposed use and the impacts associated with the proposed development plan. Following is a brief narrative for each section of a traffic impact study:

(a) *Introduction.* This Section identifies the land use and transportation setting for the site and its surrounding area.

1) *Site and Study Area Boundaries.* A brief description of the size of the land parcel, general terrain features, legal right-of-way

lines of the highway, and the location within the jurisdiction and the region should be included in this section. In addition, the roadways that afford access to the site and are included in the study area should be identified. The exact limits of the study area should be based on engineering judgment and an understanding of existing traffic conditions at the site. In all instances, however, the study limits must be mutually agreed upon by the developer, its engineer, and the Borough.

2) *Site Description.* This Section should contain a brief narrative which describes the proposed development in terms of its function, size and near and long term growth potential. This description should be supplemented by a sketch which clearly shows the proposed development within the site boundaries, its internal traffic circulation pattern, and the location and orientation of its proposed access points.

3) *Existing and Proposed Site Uses.* The existing and proposed uses of the site should be identified in terms of the various zoning categories in the jurisdiction. In addition, identify the specific use on which a request is made since a number of uses may be permitted under the existing ordinances.

4) *Existing and Proposed Nearby Uses.* Include a complete description of the existing land uses in the vicinity of the site as well as their current zoning. The applicant should also state the proposed uses for adjacent land, if known. This latter item is especially important where large tracts of underdeveloped land are in the vicinity of the site and within the prescribed study area.

5) *Existing and Proposed Roadways and Intersections.* Within the study area, describe existing roadways and intersections (geometries and traffic signal control) as well as improvements contemplated by government agencies.

(b) *Analysis of the Existing Conditions.* This section describes the results of the volume/capacity analysis to be completed for the roadways and intersections in the vicinity of the site under existing conditions as well as any data collection efforts that are required.

1) *Daily and Peak Hour(s) Traffic Volumes.* Provide schematic diagrams depicting daily and peak hour(s) traffic volumes for roadways within the study area. Turning movement and mainline volumes are to be presented for the three peak hour conditions (a.m., p.m., and site generated) while only mainline volumes are required to reflect daily traffic volumes. Include the source and/or method of computation for all traffic volumes.

2) *Volume/Capacity Analysis at Critical Points.* Utilizing techniques described in the *Highway Capacity Manual* or derivative nomography, include an assessment of the relative balance between roadway volumes and capacity. Perform the analysis for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.

3) *Level of Service at Critical Points.* Based on the results obtained in the previous section, levels of service (A through F in the *Highway Capacity Manual*) are to be computed and presented. This section should also include a description of typical operating conditions at each level of service.

(c) *Analysis of Future Conditions Without Development.* This Section describes the anticipated traffic volumes in the future and the ability of the roadway network to accommodate this traffic without the proposed zoning or subdivision request. The future year(s) for which projections are made will be specified by the Borough and will be dependent on the timing of the proposed development.

1) *Daily and Peak Hour(s) Traffic Volume.* Clearly indicate the method and assumptions used to forecast future traffic volumes in order that the Borough can duplicate these calculations. The schematic diagrams depicting future traffic volumes will be similar to those described in subparagraph (3)(a) in terms of locations and times (daily and peak hours).

2) *Volume / Capacity Analyses at Critical Locations.* Describe the ability of the existing roadway system to accommodate future traffic (without site development). If roadway improvements or modifications are committed for implementation, present the volume/capacity analysis for these conditions.

3) *Levels of Service at Critical Points.* Based on the results obtained in the previous section, determine levels of service (A through F in the *Highway Capacity Manual*).

(d) *Trip Generation.* Identify the amount of traffic generated by the site for daily and the three peak conditions. Trip generation shall be based on published trip rates on the latest revision of *Trip Generation*, Institute of Transportation Engineers.

(e) *Trip Distribution.* Identify the direction of approach for site generated traffic for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work must be clearly stated in order that the Borough can replicate these results.

(f) *Traffic Assignment.* Describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes should then be combined with anticipated traffic volumes from subparagraph (2)(c) to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.

(g) *Analysis of Future Conditions With Development.* This Section describes the adequacy of the roadway system to accommodate future traffic with development of the site:

1) *Daily and Peak Hour(s) Traffic Volumes.* Provide mainline and turning movement volumes for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time periods.

2) *Volume/Capacity Analyses at Critical Points.* Perform a volume/capacity analysis for the appropriate peak hours for future conditions with the site developed as proposed, similar to subparagraphs (3)(b)2) and (3)(b)3).

3) *Levels of Service at Critical Points.* As a result of the volume/capacity analysis, compute and describe the level of service on the study area roadway system.

4) Final design must address both traffic flow and traffic safety considerations to provide safe operational characteristics.

h) *Recommended Improvements.* In the event that the analysis indicates unsatisfactory levels of service will occur on study area roadways, a description of proposed improvements to remedy deficiencies should be included in this Section. These proposals would not include committed projects by the State and local jurisdictions.

1) *Proposed Recommended Improvements.* Describe the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements are preliminary cost estimates, sources of funding, timing, and likelihood of implementation.

2) *Volume/Capacity Analyses at Critical Points.* Another iteration of the volume/capacity analysis will be described which demonstrates the anticipated results of making these improvements.

3) *Levels of Service at Critical Points.* As a result of the revised volume/capacity analysis presented in the previous section, present levels of service for the highway system with improvements.

i) *Conclusion.* The last section of the report should be a clear concise description of the study findings. This concluding section should serve as an executive summary.

(4) *Implementation.* All requirements and suggestions arising out of such traffic studies and/or those performed independently by municipal representatives on behalf of the Borough, shall be designed and implemented by the owner as part of the subdivision/land development process.

(*Ord. 00030, 7/11/2005, §402; as amended by Ord. 00077, 4/14/2014, §9*)

§22-403. Final Plan.

Any final plan shall conform in all details to the approved preliminary plan, including any conditions specified by Borough Council. A final plan shall consist of and be prepared in accordance with the following:

A. Geodetic Control.

(1) All subdivisions and land developments causing the construction of new public infrastructure and/or alteration of existing infrastructure will require all surveys to be tied into the North American Datum (NAD) 1983 Pennsylvania State Plane Coordinates in feet and performed to third order control standards as set forth by the Federal Geodetic Control Committee.

(2) In the event that any point of the land subject to subdivision or land

development are located more than ½ mile from any given permanent monument, the developer shall construct a new permanent monument.

(3) Subdivisions and land developments which do not cause the construction of any new infrastructure are not required to tie into NAD.

B. Drafting Standards.

(1) The plan shall be at a scale of 20, 30, 40 or 50 feet to an inch.

(2) Dimensions shall be in feet and decimal parts thereof, bearings in degrees, minutes, and seconds.

(3) Each sheet shall be numbered and shall show its relationship to the total number of sheets.

(4) The plan shall bear an adequate legend to indicate clearly which features are existing and which are proposed.

(5) The plan shall be drawn, on a topographic survey, prepared by a professional registered in the Commonwealth of Pennsylvania to perform such topographic survey. The plan shall not have an error of closure greater than 1 foot in 10,000 feet. Contours shall be in 2-foot intervals.

(6) Preliminary plans shall be on sheets not larger than 24 inches by 36 inches overall. It is recommended that, as far as practicable, preliminary plan sheets be held to the following overall sizes; 18 inches by 22 inches or 24 inches by 36 inches. Where necessary to avoid sheets larger than the maximum size prescribed above preliminary plans shall be drawn in two or more sections, accompanied by a key diagram showing relative location of the sections.

C. Site Design and Layout Plan.

(1) All information shall be provided as required by §22-402.C.

(2) Sufficient data to determine readily the location, bearing, and length of every lot and boundary line and to produce such lines upon the ground, including all dimensions, angles, or bearings of the lines and areas of each lot and of each area proposed to be dedicated to public use. The gross and net area of the tract shall be included.

(3) For all subdivisions, the proposed building locations and names of all streets (the Borough shall assign addresses throughout the Borough).

(4) Location of permanent reference monuments.

(5) A certificate of title showing the ownership of the land vested or to be vested in the subdivider or other applicant for plan approval.

(6) A statement duly acknowledged before an officer authorized to take acknowledgments of deeds and signed by the owner or owners of the property, to the effect that the subdivision or land development shown on the final plan is made with his or their free consent and in accordance with his or their desires.

(7) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, which shall bear the approval of the Borough Solicitor.

(8) A copy of such private deed restrictions, including building setback lines, as may be imposed upon the property as conditions of sale together with

a statement of any restrictions previously imposed which may affect the title to the land being subdivided. Such restrictions shall be satisfactory to Borough Council and the Borough Solicitor.

(9) Such certificates of approval by proper authorities of the Commonwealth as may have been required by Borough Council or by this Chapter.

(10) Certification of the engineer, land surveyor, landscape architect, or land planner who prepared the plan that the plans are in conformity with zoning, building, sanitation, subdivision and other applicable Borough ordinances and regulations. In any instance where such plans do not conform, evidence shall be presented that a modification has been authorized.

(11) The layout plan shall be at one of the following scales:

(a) Horizontal: 1 inch = 100 feet or 1 inch = 50 feet.

(b) Vertical: 1 inch = 10 feet or 1 inch = 5 feet.

(12) The layout plan shall show the location, width, and names of all proposed streets and street right-of-ways that include: all street extensions or spurs which are necessary to provide adequate street connections and facilities to adjoining developed or underdeveloped areas. The plan shall show street profiles and cross sections incorporating the following information:

a) The existing grade and proposed grade along the centerline of the proposed street. Where storm drainage and sanitary sewer lines are to be installed, they also shall be shown on the profile plan.

b) Right-of-way and the location and width of paving within the right-of-way.

c) Type and thickness of material and crown of paving.

d) The location, width, and type and thickness of material of sidewalks to be installed.

e) The location, size, and depth of any underground utilities that are to be installed in the right-of-way.

f) Vertical and horizontal curve data for all proposed streets.

(13) The layout plan design will include, but not be limited to the location and grade of sanitary sewer laterals, sanitary sewer mains, and stormwater management facilities, showing the capacity of flow anticipated and size of conveyance needed. Also the layout plans shall show the location of the proposed easement not less than 30 feet in width in order to permit the Borough to maintain the system when required.

(14) The layout plan design will include the size and location of water mains, street valves, connection laterals and fire hydrants. The plan shall contain a statement that the placement of fire hydrants and the components of the system have been reviewed by the Fire Chief and that they are compatible with the firefighting methods and equipment utilized by the fire company.

(15) All other site design and lay out plan data required for a preliminary plan pursuant to §22-402.C hereof.

D. *Stormwater Management Plan.* A plan for the management of stormwater

consistent with the SWMO [Chapter 17] is required and shall be submitted concurrent with all plans submitted and shall be integrated into all the preliminary and final plans. [*Ord. 00077*]

(*Ord. 00030*, 7/11/2005, §403; as amended by *Ord. 00077*, 4/14/2014, §10)

Part 5**General Design Standards****§22-501. Application.**

The following principles, standards and requirements will be applied by the Borough Council and Planning Commission to evaluate plans for proposed subdivision or land developments. The standards are the requirements for the promotion of the public health, safety, morals and general welfare.

(Ord. 00030, 7/11/2005, §501)

§22-502. Land Requirements.

1. Land shall be suited to the purposes for which it is to be subdivided or developed.

2. Land which is unsuitable for development because of hazards to life, safety, health, or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the subdivision or land development plan.

3. No plan of subdivision or land development shall be approved which would result in lots or land use, or which would in any other way be inconsistent with the Borough Zoning Ordinance [Chapter 27] then in effect for the zoning district in which the land to be developed or subdivided is located.

(Ord. 00030, 7/11/2005, §502)

§22-503. Street System.

1. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by Akron Borough and shall be coordinated with existing or proposed streets in adjoining subdivisions or land developments.

2. Proposed streets shall further conform to such County and State road and highway plans as have been prepared, adopted or filed as prescribed by law.

3. Streets shall be related to the topography so as to produce usable lots and acceptable grades.

4. Access shall be given to all lots and portions of the tract in the subdivisions or land development and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision or land development and shall be improved to Akron Borough's specifications. Reserve strips and land locked areas shall not be created.

5. Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, arterial streets shall be designed for use by through traffic.

6. Half or partial streets will not be permitted in new subdivisions or land developments except where essential to reasonable subdivision or development of a

tract in conformance with the other requirements and standards of this Chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.

7. Wherever a tract to be subdivided or developed borders an existing half or partial street, the entire street shall be shown on the plan.

8. Deadend streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.

9. New reserve strips, including those controlling access to streets, shall be forbidden.

10. Where adjoining areas are not subdivided, the arrangement of streets in a proposed subdivision or land development shall be made to provide for the proper projection of streets into the unsubdivided land.

11. Street names shall be coordinated with existing or platted street names, and if a new street is a continuation of or is aligned with an existing or platted street, it shall bear the same name as the existing or platted street.

12. All streets shall have a uniform width throughout their respective lengths except where otherwise required by Borough Council.

13. All streets shall also be constructed to comply with requirements of the Pennsylvania Department of Transportation so that the Borough can receive liquid fuel tax reimbursements from the department for any such dedicated streets.

(Ord. 00030, 7/11/2005, §503)

§22-504. Street Design.

1. *Street Classification.* Six functional classifications are hereby established for the streets and roads in Akron Borough:

A. *Arterial.* This classification includes highways which provide intracounty or intermunicipal traffic of substantial volumes where the average trip lengths are usually 5 miles or greater. Generally, these highways should accommodate operating speeds of 35 to 55 miles per hour. Arterial streets include: 7th Street (also designated Rt. 272), Main Street and Rothsville Road.

B. *Collector.* This classification is intended to include those highways which connect local access highways to arterial highways. They may serve as traffic corridors connecting residential areas industrial, shopping and other service areas. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of 35 miles per hour. Collector streets include: Fulton Street, 3rd Street, 9th Street, 11th Street, Diamond Street.

C. *Local Access.* This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short. These streets and roads should be designed for operating speeds of 25 miles per hour or under. Local access streets include all others as listed on the Official Zoning Map.

D. *Private Street.* A local access street serving only abutting lots, that is not offered or required to be offered for dedication.

E. *Cul-de-sac Street.* A local access street intersecting another street at one end, and terminating at the other end by a permanent vehicular turnaround.

F. *Alley.* A public or private right-of-way width of 20 feet or less, which affords secondary means of access to the rear or side of abutting commercial or industrial property and is not intended for general traffic circulation. Regardless of whether an alley is given a street name, no principal building shall have its frontage on an alley.

G. *New Roads.* The classifications for new roads shall be set, from time to time, by resolution of Borough Council.

2. *Right-of-Way Widths.* Minimum widths for each type of street shall be as follows:

| Type of Street | Right-of-Way Width | Cart-way Width |
|----------------|--------------------|-------------------|
| Access | 0 feet | Two-way - 24 feet |
| | | One-way - 14 feet |
| Arterial | PennDOT Standard | PennDOT Standard |
| Collector | 60 feet | 38 feet |
| Local Access | 50 feet | 34 feet |
| Private | 50 feet | 20 feet |
| Alley | 20 feet | 16 feet |

B. Where a proposed subdivision abuts or contains an existing public street or road having a right-of-way width less than would be required if said street or road were created under this Chapter, sufficient additional width for right-of way shall be provided and dedicated to meet the forgoing standards.

C. Additional right-of-way and cartway widths may be required by the Borough Council to promote public safety and convenience when special conditions require it and to provide parking space in areas of intensive use.

3. *Cul-de-Sac Streets.*

A. Cul-de-sac streets, whether permanent or temporary, shall be provided at the closed end with a turnaround having a minimum radius to the edge of the finished street or curb line of not less than 50 feet. The right-of-way of a cul-de-sac shall be 10 feet greater than the radius of the street.

B. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround.

C. All commercial and industrial cul-de-sacs shall be reviewed for adequacy by the Akron Borough Engineer. His recommendations will be given to the Borough Council who shall have final authority in this matter.

D. Permanent cul-de-sac streets shall have a minimum length of 250 feet and shall not exceed 500 feet in length, measured from the edge of the road/curb line of the intersected street to the curb of the end of the cul-de-sac.

4. *Street Alignment.*

A. Whenever street lines are deflected by more than 1 degree, connection shall be made by horizontal curves.

B. The minimum radius at the center line for horizontal curves on collector streets shall be 300 feet, and for local streets the minimum radius shall be 150 feet.

C. On local access streets, the minimum tangent between reverse curves shall be at least 100 feet; on collector and arterial streets, the minimum tangent shall be at least 250 feet.

D. Minimum vertical site distance shall be measured and shall comply with the currently applicable Pennsylvania Department of Transportation standards.

5. *Street Grades.*

A. The minimum grade on all streets shall be 1 percent.

B. The maximum grade on collector or arterial streets shall be 7 percent and on local access streets 10 percent.

C. Vertical curves shall be used in changes of grade exceeding 1 percent and shall provide proper sight distances as specified herein above.

D. The standard crossslope for all streets to establish a crown shall be 2 percent.

6. *Street Intersections.*

A. Local streets shall not intersect with collector or arterial streets on the same side at intervals of less than 800 feet as measured from centerline to centerline.

B. The distance between centerlines of streets opening onto the opposite side of a proposed or existing street shall be not less than 150 feet unless the streets are directly opposite each other.

C. Intersections involving the junction of more than two streets shall be prohibited.

D. Streets shall be all laid out to intersect at right angles.

E. Minimum curb radius at the intersection of two local streets shall be at least 20 feet; and minimum curb radius at an intersection of a local street and a collector street shall be at least 25 feet.

F. There shall be provided and maintained at all intersections clear sight triangles of 75 feet in all directions measured along the centerline from the point of intersection. Nothing which obstructs the vision of a motorist shall be permitted in this area between 24 inches and 10 feet'.

G. Intersections shall be designed with a flat grade wherever practical. Where the grade of any street at the approach to an intersection exceeds 7 percent, a leveling area shall be provided having a grade of not greater than 4 percent for a distance of 75 feet measured from the nearest right-of-way line of the intersecting street.

7. *Pavement Design.*

A. All components of the pavement structure shall be designed and constructed in accordance with Pennsylvania Department of Transportation's Specifications, Form 408, or any successor thereto.

B. *Minimum Requirements.* The following shall be considered to be minimum standards for street construction in Akron Borough:

| ALTERNATIVES | TYPE | LOCAL ACCESS/ PRIVATE STREETS | COLLECTOR STREETS |
|--------------------------|---------------------------------|----------------------------------|----------------------|
| FLEXIBLE PAVEMENT | | | |
| Surface | ID-2 wearing course | 1-1/2" | 1-1/2" |
| Base | Bituminous concrete base course | 4" | 6" |
| Subbase | 2A aggregate | 6" | 6" |
| Surface | ID-2 wearing course | 1-1/2" | 1-1/2" |
| Binder | ID-2 binder course | 3" | 4" |
| Base | 3A Crushed Aggregate | 8" | 10" |
| Rigid Pavement | Reinforced Cement Concrete | 6" | 6" |
| Subbase | 2A Aggregate | 6" | 6" |

C. All arterial streets shall also meet PennDOT specifications.

8. *Alleys and Driveways.*

A. Alleys are prohibited in residential developments.

B. Alleys and driveways shall contain a straight length of at least 40 feet or a distance of not less than the building setback on the lot providing access, measured from the cartway edge of the intersecting street and extending inside the lot. The full length shall be paved with a base of 2A stone compacted to 6 inches and a compacted depth of 2 inches of ID-2 wearing material.

(Ord. 00030, 7/11/2005, §504)

§22-505. Curbs and Sidewalks.

1. *Curbs.*

A. Curbs shall be provided along all streets, and at intersections.

B. All curbs shall be constructed of concrete in accordance with applicable standards and specifications of the Borough for construction of concrete curbs.

C. Rolled or slanted curbs are prohibited.

2. *Sidewalks.*

A. Sidewalks shall be provided on both sides of all streets located within any subdivision or land development plan.

B. All sidewalks shall be constructed of concrete in accordance with applicable

standards and specifications of the Borough for construction of sidewalks.

C. All sidewalks shall be 5 feet in width.

(*Ord. 00030*, 7/11/2005, §505)

§22-506. Stormwater Drainage.

The subdivider or developer, and each person, corporation, or other entity, which makes any surface changes shall comply with all of the SWMO [Chapter 17] requirements and the Lancaster County Conservation District, where applicable.

(*Ord. 00030*, 7/11/2005, §506; as amended by *Ord. 00077*, 4/14/2014, §11)

§22-507. Excavation and Grading.

Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the Lancaster County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a grading and excavation permit.

A. Blocks and lots shall be designed and graded to provide proper drainage away from buildings and to prevent the pooling of stormwater. Minimum 2 percent slopes away from structures shall be required.

B. Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than 1 percent nor more than 4 percent. The swales shall be sodded, planted or lined as required. A grading and drainage plan shall be required for all subdivisions and land developments.

C. No final grading shall be permitted with a cut face steeper in slope than three horizontal to one vertical except under one or more of the following conditions:

The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than 3 horizontal to 1 vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the Akron Borough Engineer and approved by him. The statement shall state that the site has been inspected and that the deviation from the slope specified herein before will not result in injury to persons or damage to property.

D. All lots must be maintained free from debris or nuisances.

E. To the extent that anything herein is inconsistent with the SWMO [Chapter 17], the more restrictive of the two shall prevail. [*Ord. 00077*]

(*Ord. 00030*, 7/11/2005, §507; as amended by *Ord. 00077*, 4/14/2014, §12)

§22-508. Blocks and Lots.

1. The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, to the land use and/or zoning requirements of Akron Borough, the topography of the land being

subdivided, and the requirements for safe and convenient vehicular and pedestrian circulation.

2. Unless the topography of the land being subdivided or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required, the following minimum standards for the design and size of blocks and lots shall prevail:

A. Blocks shall not exceed 1,600 feet in length, nor be less than 500 feet in length.

B. Residential blocks shall generally be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used, or where due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two-tier design.

C. Blocks for commercial and industrial areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroad access, right-of-way, and utilities shall be provided as necessary.

D. Lot lines intersecting street lines shall be at right angles or radial to street lines.

E. Lots shall, in general, front on a street which has already been dedicated to Akron Borough, or which the subdivider or developer proposes to dedicate to Akron Borough in connection with approval of the final plan. In commercial or industrial subdivisions or land developments, where access is proposed to be provided by private streets within the subdivision or land development, this requirement may be waived by the Borough Council.

(Ord. 00030, 7/11/2005, §508)

§22-509. Development on Private Streets.

No subdivision will be approved on a private street or road if more than two lots already front on such street or road or if after subdivision more than two lots will front on such private street or road.

(Ord. 00030, 7/11/2005, §509)

§22-510. Erosion and Sediment Control.

The installation and design of the required erosion and sediment control measures shall be in accordance with standards and specifications of the Lancaster County Conservation District.

(Ord. 00030, 7/11/2005, §510)

Part 6**On-Site Improvements****§22-601. Sanitary Sewers.**

Public Sanitary Sewer Systems. All subdivision or land development is to be provided with a complete public sanitary sewer system connected to Akron Borough sewer system. A statement of approval from the engineer of the sewage system to which it will be connected shall be submitted to Akron Borough. Where required, a DEP planning module approval shall also be obtained for final plan approval.

(Ord. 00030, 7/11/2005, §601)

§22-602. Water.

1. *Provision of System.* The subdivision or land development shall be provided with a complete public water main supply system, which shall be connected to Akron Borough municipal water supply system.

2. *Plans.* The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development and approved by the Borough Engineer. Upon the completion of the water supply system, one copy of the as built plans for such system shall be filed with Akron Borough.

3. *Fire Hydrants.* Fire hydrants shall be provided as an integral part of any public water supply system. Fire hydrants shall be placed so that all proposed building(s) will be no more than 500 feet from a hydrant measured along traveled ways.

(Ord. 00030, 7/11/2005, §602)

§22-603. Utilities.

1. Easements for utilities shall have a minimum width of 30 feet, with easement access identified.

2. To the fullest extent possible, easements for public facilities shall be centered on or adjacent to rear or side lot lines.

3. Water, sewer, telephone, electric, TV cable and such other utilities shall be installed underground and shall be provided within the street right-of-way, and whenever possible out of the cartway or in easements to be dedicated for such facilities, and in accordance with plans approved by the Akron Borough and the applicable facility company. Underground installation of the facility distribution and service lines shall be completed prior to street paving, gutter, curbing, and sidewalk installation.

(Ord. 00030, 7/11/2005, §603)

§22-604. Monuments and Markers.

1. Monuments shall be of concrete or stone at least 6 inches by 6 inches by 30 inches and marked on top with a copper or brass dowel. They shall be set at the intersection of lines forming angles in the boundaries of the subdivision and at the intersection of street lines. Markers shall be iron pipes or brass 30 inches by ¾ inch diameter and set at all points where lines or lines and curves intersect.

2. *Monument Replacement.* Any monuments or markers that are removed must be replaced by a registered land surveyor at the expense of the person responsible for the removal.

(*Ord. 00030, 7/11/2005, §604*)

§22-605. Other Improvements.

1. Street name signs, speed limit signs, directional signs, stop signs, no parking signs, street striping, and any other street safety improvement conforming to PennDOT specifications shall be provided and installed by the subdivider or developer for all streets.

2. *As-Built Plan.* At such time as the construction of the improvements is found to meet all requirements of this Chapter and the approved plans, as modified, the developer, prior to offering the improvements for dedication, shall submit to the Borough a mylar and an electronic version of the as-built plan of the improvements which shall form a part of the permanent records of the Borough. The plan shall be prepared by using the approved final plan as a base plan. As-built plans shall show the following:

A. Location of all concrete monuments which were set at all angle breaks, points of curvature and tangents around the perimeter of the total tract. When the outside perimeter of a tract falls within or along an existing road right-of-way, then the right-of-way of that roadway shall be monumented at the above referenced points.

B. Location of all iron pins or drill holes within the street right-of-way for all individual lot lines.

C. Location of cartway centerline versus right-of-way centerline.

D. Location of floodplain by elevation and dimension from property line.

E. Location and crosssection of swales and accompanying easements.

F. Horizontal and vertical location of stormwater management, sanitary sewer, and waterline facilities including type and size of storm drainage, sanitary, and waterline pipes.

G. Location of buildings, parking lots, and driveways for land development plans.

H. Detention basin:

(1) Contours of the detention basin.

(2) Outlet structure details including type, size and inverts of outlet pipes and orifice.

(3) Elevation of the top of embankment and emergency spillway.

(4) A table showing the stage/storage/discharge curve for the constructed conditions.

3. Other improvements to promote public safety and health as required by Akron Borough as a condition of approval.

4. All plans, including, but not limited to, all subsequent as-built plans, shall comply with the SWMO [Chapter 17]. [*Ord. 00077*]

(*Ord. 00030, 7/11/2005, §605; as amended by Ord. 00077, 4/14/2014, §13*)

§22-606. Inspection.

At the time each improvement is to be installed and upon its completion, the subdivider shall notify the Borough Zoning Officer so that adequate inspections can be made. The inspection will be made by the Akron Borough Engineer. All costs of undertaking the inspection will be borne by the subdivider.

(*Ord. 00030, 7/11/2005, §606*)

§22-607. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.

Completion of improvements or guarantee thereof is a prerequisite to final plat approval and shall be accomplished in conformance with Pennsylvania Municipalities Planning Code provisions in effect at that time.

(*Ord. 00030, 7/11/2005, §607*)

§22-608. Release from Improvement Bond.

Release of improvement bonds shall be accomplished in conformance with the Pennsylvania Municipalities Planning Code provisions in effect at that time.

(*Ord. 00030, 7/11/2005, §608*)

§22-609. Remedies to Effect Completion of Improvements.

Remedies to effect completion of improvements shall be in conformance with the Pennsylvania Municipalities Planning Code.

(*Ord. 00030, 7/11/2005, §609*)

Part 7**Administration****§22-701. Records.**

The Borough shall assign a subdivision or land development application number to all subdivision and land development applications, and all matters referring to an application should be filed in accordance with the subdivision case number. The Borough shall keep a record of its finding, decision, and recommendations relative to all plans filed with it for review.

(*Ord. 00030, 7/11/2005, §700*)

§22-702. Fees and Costs.

No application for preliminary or final approval shall be deemed to have been submitted until the fee and escrow deposits have been paid, which fee and escrow schedule shall be adopted, from time to time, by resolution of Borough Council.

(*Ord. 00030, 7/11/2005, §701*)

§22-703. Notice.

The Zoning Officer shall notify in writing all adjoining property owners when a preliminary or final plan is filed. Additionally, a notice as to the filing of the plan shall be posted on the property (to be posted within ten days of filing the plan and shall remain posted until the conclusion of the proceedings) visible from a public right-of-way and shall contain such information as Council, from time to time, shall establish by resolution.

(*Ord. 00030, 7/11/2005, §702*)

§22-704. Forms.

Borough Council shall, from time to time, establish, by Resolution, appropriate forms for application, and language for documentation for purposes of establishing uniformity on plans. Additionally, Borough Council shall approve, from time to time, standard form agreements (such as stormwater management agreements and the like) prepared by the Solicitor for general use by applicants in processing plans.

(*Ord. 00030, 7/11/2005, §703*)

§22-705. Enforcement.

Enforcement of this Chapter shall be in conformance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 00030, 7/11/2005, §704*)

§22-706. Penalties.

1. Any person, partnership, limited partnership, limited liability company, limited liability partnership, corporation, or other entity who or which has violated the provisions of this Chapter 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. No judgment shall commence or be imposed, levied or be payable until the date of determination of a violation by the magisterial district judge. Each day that a violation continues shall constitute a separate offense. [*Ord. 00037*]

2. The procedural and substantive provisions of §515.3 of the Municipalities Planning Code are adopted by reference.

(*Ord. 00030, 7/11/2005, §705; as amended by Ord. 00037, 10/8/2007*)

§22-707. Appeals.

Appeals from the actions of Borough Council with respect to any application for subdivision or land development approval shall be governed by the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as they may be amended from time to time, or any successor legislation.

(*Ord. 00030, 7/11/2005, §706*)

§22-708. Repealer.

All ordinances or parts of ordinances that conflict or are inconsistent with the provisions of this Chapter are hereby repealed to the extent necessary to give this Chapter full force and effect. The Akron Land Subdivision Ordinance #174 of 1965, as amended, is hereby repealed totally except that the provisions thereof are hereby preserved as they relate to any actions currently pending in the Borough at the time of adoption of this Chapter.

(*Ord. 00030, 7/11/2005, §707*)

§22-709. Severability.

If any sentence, clause, Section, word or portion of this Chapter is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, Section or Parts of this Chapter. It is hereby declared as the intent of the Akron Borough Council of the Akron Borough that this Chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, Section or Part thereof had not been included herein.

(*Ord. 00030, 7/11/2005, §708*)

§22-710. Effective Date.

This Chapter shall become effective on August 1, 2005.

(*Ord. 00030, 7/11/2005, §709*)