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Part 1
General Provisions

§101. Title. This Ordinance shall be known and cited as the "Borough of Gratz Subdivision and Land Development Ordinance."

§102. Authority. This Ordinance is enacted pursuant to the Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as amended. Borough Council shall retain and exercise final approval authority over all subdivision and land development applications. The Gratz Planning Commission shall act in an official advisory capacity to the Borough Council for the review and recommendation of the approval or disapproval of all subdivisions and land developments set forth in this Ordinance.

§103. Objectives. Through the adoption, administration and enforcement of this Ordinance, the Borough of Gratz intends to promote conditions favorable to promote the health, safety, and general welfare with regulations aimed at achieving the following objectives:

(a) To guide the future growth and development of the Borough in accordance with the Comprehensive Plan.

(b) To provide a standard set of minimum regulations to guide subdividers, developers, architects, landscapers, land planners, surveyors and engineers in the design and development of subdivisions and land developments.

(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 and conserve the value of land throughout the Borough and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

(e) To ensure that public facilities are available and will have sufficient capacity to serve a proposed subdivision or land development, including adequate public sanitary sewer service where available.

(f) To establish reasonable standards of design and procedures for subdivisions and land developments in order to further the orderly layout and use of land and to insure proper legal descriptions and monumenting of proposed subdivisions and land developments.

(g) To ensure adequate and efficient transportation, water, sewage, and other public facilities necessary to serve development.

(h) To provide the most beneficial relationship between the uses of land and buildings with the circulation of traffic throughout the Borough, with particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movement appropriate to the

various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

(i) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Gratz Borough Zoning Ordinance adopted May 16, 2019, as amended.

(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 prudent use and management of natural resources throughout the Borough in order to preserve the integrity and stability of the community and the natural environmental characteristic of the land.

(k) To protect and regulate land in critical areas which may be unsuitable for development.

(l) To require coordinated and cumulative review of large, phased, or functionally integrated nonresidential land developments so that project-wide impacts to transportation, utilities, stormwater facilities, emergency services, and neighboring properties are identified and addressed through objective land-development standards.

(m) To discourage the segmentation of a single coordinated development into separate applications or phases for the purpose of avoiding otherwise applicable subdivision and land development review requirements.

§104. Application of the Ordinance.

(a) No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer, water main, gas, oil, or electric transmission line, 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 thereon, except in accordance with this Ordinance.

(b) No lot in a proposed subdivision or land development may be sold, and no zoning permit to erect any building upon land in a subdivision or land development may be issued unless and until the following conditions are met:

(1) All preliminary and final plans required by this Ordinance, as applicable, have been approved by Borough Council;

(2) The final plan, as approved, is filed with the Dauphin County Recorder of Deeds;

(3) All required improvements as set forth in the grant of approval have been constructed or the applicant posts financial security in accordance with Part 7 of this Ordinance and Section 509 of the MPC.

§105. Status of Pending Subdivision and Land Development Applications. From the time an application for approval of a subdivision or land development, whether preliminary or final, is duly filed in accordance with the provisions of this Ordinance and while such application is pending approval or disapproval, no change or amendment to this Ordinance, the Zoning Ordinance, or any other applicable ordinance, shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of all applicable ordinances as they stood at the time the application was duly filed. When an application is, however, properly and finally denied, any subsequent application shall be subject to any amendments to this ordinance, the Zoning Ordinance and any other applicable ordinance and/or regulations.

§106. Status of Approved Subdivision or Land Development Applications.

(a) When an application for approval of a subdivision or land development, whether preliminary or final, has been approved, no subsequent amendment to this Ordinance, the Zoning Ordinance, or any other applicable ordinance, shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval, as provided by the Pennsylvania Municipalities Planning Code. If final approval is preceded by preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinance or plans as they stood at the time when the application for such approval was duly filed.

(b) Where the applicant has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Borough Council, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.

§107. Phased Development Exceeding Five Years. In the case of preliminary plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which application for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Borough Council in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the protections afforded by substantially completing the improvements depicted upon the final plat within five years, as contained in Section 106, shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period, the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section. Failure of landowner to adhere to the aforesaid schedule of final plats for the various sections shall subject any such section to any and all changes in zoning,

subdivision and other governing ordinance enacted by the municipality subsequent to the date of the initial preliminary plan submission.

§108. Resubdivision of Land. A re-subdivision of plan of record shall be considered as a new subdivision and shall come under the jurisdiction of this Ordinance.

§109. Interpretation. In the interpretation and application, the provisions of this Ordinance shall be held to minimum requirements for the promotion of the public health, safety and general welfare. When provisions, standards and specifications of this Ordinance differ from those of any other ordinance, statute or regulation, the more restrictive or higher standards shall apply.

§110. Modification of Required Standards.

(a) Where, owing to peculiar conditions pertaining to the land or site, the literal enforcement of a provision of this Ordinance would result in unreasonable hardship, or where an alternative standard can be demonstrated to provide equal or better results, Borough Council may grant a modification in accordance with Section 512.1 of the MPC. Any modification shall be the minimum relief necessary, shall not be contrary to the public interest, and shall observe the purpose and intent of this Ordinance.

(b) Every request for modification shall be in writing, shall accompany and be deemed part of the preliminary or final plan application, shall identify each specific section of this Ordinance from which relief is requested, shall state the facts and grounds relied upon, and shall describe any alternative standard or design proposed by the applicant.

(c) Each modification request shall be reviewed by the Planning Commission, and the Planning Commission shall include its recommendation in the minutes or other written record transmitted to Borough Council.
(d) Borough Council shall act on each requested modification by motion or written decision, and the action shall identify the provision modified and the grounds for granting or denying the request.

§111. Fees.

(a) Municipal Fees. The Borough Council shall establish by resolution, a fee schedule for subdivision and land development applications.

(b) County Fees. The applicant shall also be required to submit all required fees for review and comment by the Dauphin County Planning Commission.

(c) Filing Date and Payment of Fees. A completed application and plans for any proposed subdivision or land development shall not be considered as filed until all fees are paid and all applications are properly signed and required escrow deposits are submitted in accordance with Part 7 of this Ordinance.

(d) Professional Review Escrow. The Borough may require an applicant to deposit and maintain professional-review escrow in an amount reasonably estimated by the Borough Engineer or other Borough professional consultant based upon the size, complexity, and anticipated review needs of the application, subject to the fee schedule or procedures established by resolution of Borough Council and the limitations of the MPC. Escrow shall not constitute a cap on otherwise reimbursable reasonable and necessary review or inspection fees.

§112. General Enforcement. The Borough Council may appoint an individual or utilize additional professional services to insure proper enforcement of the provisions of this Ordinance and accompanying design standards and improvement specifications. Any action inconsistent with the provisions of this Ordinance shall be subject to a cease and desist and other appropriate measures deemed applicable by the Borough Council.

§113. Administrative Functions. The Borough Council shall designate an individual as "Administrator" who shall act as the agent for the Borough who shall accept subdivision and land development plans and applications for and on behalf of the Borough Council.

§114. Violations and Penalties. Any person, partnership or corporation who or which has violated the provisions of this Ordinance, shall upon being found liable therefor under civil enforcement proceedings, commenced by the municipality, pay a judgment of not more than $500.00 plus all court costs, including reasonable attorney fees incurred by the municipality as a result of such proceedings. No judgment shall be commenced or be imposed, levied or payable until the date of the determination of a violation to the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation until the fifth day following the date of determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues, shall constitute a separate violation.

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained within this Section shall be construed or interpreted to grant any person or entity other than the municipality the right to commence action for enforcement pursuant to this Section.

In addition to other remedies, the municipality may institute and maintain appropriate actions by law or 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 to 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.

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

(a) The owner of record at the time of such violation.

(b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such 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 the current owner has actual or constructive knowledge of the violation.

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

§115. Amendment Procedure. The regulations set forth in this Ordinance may, from time to time, be amended by the Borough Council. The following requirements shall be observed prior to enacting any amendments to this Ordinance.

(a) A public hearing on the proposed amendment shall be held by the Borough Council pursuant to public notice.

(b) In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit such amendment to the Planning Commission and to the Dauphin County Planning Commission not less than thirty days prior to the public hearing.

(c) The proposed amendment shall not be enacted unless public notice is given which shall include the time and place of the meeting at which passage will be considered and a reference to a place within the municipality where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost of reproduction.

(d) Public notice of the proposed amendment shall include the full text thereof or the title and a brief summary, prepared by the municipal solicitor, setting forth all the provisions in reasonable detail. If the full text is not provided, a copy shall be supplied to the newspaper in which the public notice is placed and an attested copy shall be placed on file at the Dauphin County Law Library.

(e) Within thirty days following the adoption of an amendment to this Ordinance, the Borough Council shall forward a certified copy of the amendment to the Dauphin County Planning Commission.

§116. Appeals to Court. Decisions rendered by the Borough Council may be appealed to a Court of proper jurisdiction in accordance with the procedures, provisions and time limitations as contained in Article X-A of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

§117. Conflict with Other Ordinances. All ordinances or parts of ordinances inconsistent herewith are hereby repealed, including the "Subdivision and Land Development Ordinance of May 7, 1975," as amended.

§118. Severability. The provisions of this Ordinance are severable. If any part of this Ordinance is declared to be unconstitutional, illegal or invalid, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Borough Council of Gratz that this Ordinance would have been adopted has such unconstitutional, illegal or invalid part not been included.

Part 2
Definitions

§201. General Interpretation.

(a) When used in this Ordinance, the following words, terms and phrases shall have the meanings set forth herein, unless expressly stated otherwise, or unless the context clearly indicates otherwise. Words not defined herein shall have the meaning as defined in the Pennsylvania Municipalities Planning Code (MPC), as amended.

(1) Abut – Next to or adjacent to, and includes the words, "directly across from streets, natural features, and rights-of-way.

(2) Acre – 43,560 square feet.

(3) Adjacent – A state of being side by side, next to, adjoining, contiguous, or abutting one to another, and includes the words "directly across from streets, natural features, and rights-of-way.

(4) Administrator – The person designated by Borough Council who is authorized to accept and receive subdivisions and land development plans and applications for and on behalf of the Borough Council.

(5) Alley – a public or private right-of way affording secondary means of access to abutting property.

(6) Applicant – A landowner or developer who has filed an application for a subdivision or land development, including his heirs, successors and assigns.

(7) Base Flood Elevation – The highest elevation, expressed in feet above mean sea level, of the flood waters of a 100-year Flood, as projected and delineated upon the most recent official Flood insurance Rate Map, published by the Federal Insurance Administration.

(8) Block – a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

(9) Building Setback Line – The minimum distance as required in the Zoning Ordinance between any building or structure, to the front, rear, or side property.

(10) Catch Basin – An inlet designated to intercept and redirect surface storm water.

(11) Clear Sight Triangle – An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

(12) Condominium – A building or group of buildings, in which the units are owned individually, while the structure, common areas and facilities are owned by all owners on a proportional and individual basis.

(13) Construction Plans – The maps or drawings accompanying a subdivision or land development plan and showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance and in accordance with any terms or conditions as set forth by the Borough Council.

(14) Covenant – A restriction on the use of land usually set forth in the deed. A covenant usually runs with the land and the restrictions thereunder are binding upon subsequent owners.

(15) Critical Area – An area with one or more of the following characteristics; (1) slopes in excess of twenty percent; (2) flood plain and/or wetlands; soils classified as having a highwater table; (4) soils classified as highly erodible, subject to erosion or highly acidic.

(16) Culvert – A drain, ditch, or conduit not incorporated in a closed system that carries storm drainage water under a driveway, roadway, or railroad.

(17) DEP – Pennsylvania Department of Environmental Protection

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

(19) Development Plan – The provisions for development included within an application for a subdivision and/or land development, including all covenants relating to use, location and bulk of buildings and other structure intensity of use or density of development, streets, ways and parking facilities, common open space, easements and public facilities. The phrase "development plan" shall mean the written and graphic materials referred to in this definition.

(20) Drainage

(A) Surface water runoff;

(B) The removal of surface water or ground water from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development.

(21) Drainage Easement – An easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or water course other drainage facility.

(22) Easement – A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

(23) Engineer – A registered professional engineer licensed in the Commonwealth of Pennsylvania. Where reference is made to the Borough Engineer, such term shall mean the professional engineer retained or appointed by Borough Council.

(24) Escrow Account – A deposit account established by an applicant with the Borough to reimburse the Borough for reasonable and necessary professional consultant review and inspection fees pursuant to Section 503(1) of the MPC.

(25) Financial Security – A performance guarantee posted by an applicant to assure completion of required improvements in accordance with Part 7 of this Ordinance and Section 509 of the MPC.

(26) Final Approval – Last official action of the Borough Council granting approval of a subdivision or land development which has been granted preliminary approval, after all conditions and requirements have been met, including, as applicable, the installation of all required improvements or the posting of financial security in accordance with Part 7 of this Ordinance and Section 509 of the MPC.

(27) Flood Hazard Boundary Map – Any applicable flood hazard boundary mapping published or adopted by the Federal Emergency Management Agency (FEMA), as amended or superseded.

(28) Flood Insurance Rate Maps – The most recent maps published by the Federal Emergency Management Agency (FEMA) delineating areas of special flood hazard, base flood elevations, and applicable flood-risk zones, as amended or superseded.

(29) Highway Occupancy Permit – A permit, issued by the Pennsylvania Department of Transportation, which authorizes access from a parcel of land onto a street or highway which is under the jurisdiction of the Pennsylvania Department of Transportation.

(30) Homeowners Association – A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

(31) Impact Analysis - A study to determine the effect of a proposed development on activities, utilities, circulation, surrounding land uses, community facilities, environment and other factors directly, indirectly or potentially affected.

(32) Improvement Agreement – A written agreement between the Borough and an applicant establishing required improvements, construction schedules, financial security, inspection procedures and related obligations.

(33) Improvement Bond – Financial security posted by an applicant to guarantee completion of required improvements, including letters of credit, performance bonds, or other forms permitted by the MPC and approved by Borough Council.

(34) Improvements – Man-made physical additions, alterations and/or changes which become part of, placed upon, or are affixed to real estate.

(35) ISO – Insurance Services Office, Verisk Analytics.

(36) Land Development – The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

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

(B) The division of 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.

(C) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into more than three (3) residential units. Any conversion, described above, which results in not more than three (3) residential units, shall be deemed as a land development if the units are intended to be a condominium.

The term "Land Development" shall be interpreted consistently with the definition contained in the Pennsylvania Municipalities Planning Code, as amended.

(37) Land Development (Major) – A land development which does not qualify or classify as a minor land development.

(38) Land Development (Minor) – A land development involving not more than three (3) detached single-family residential dwellings on a single lot and which does not require the installation or extension of streets, off-site water or sewage facilities, storm drainage facilities, curbs, sidewalks, or fire-suppression facilities. Classification as a Minor Land Development shall be determined by Borough Council upon recommendation of the Planning Commission and Borough Engineer. Any nonresidential land development, any land development that is part of a larger phased or cumulative development, or any land development requiring one or more of the foregoing improvements shall be classified as a Major Land Development.

(39) Landowner – The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Ordinance.

(40) Land Surveyor – A person who is licensed and registered by the Commonwealth of Pennsylvania, which qualifies said person to perform accurate field measurements including the description and definition of land boundaries.

(41) Lot – A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

(42) Lot Area – The total area within the lots lines of a lot, excluding any street rights-of-way.

(43) Lot Corner – a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

(44) Lot Coverage – that portion of the lot that is covered by buildings and structures.

(45) Lot Depth – The distance measured from the front lot line to the rear lot line.

(46) Lot Frontage – The length of the front lot line measured at the street right-of-way line.

(47) Lot Interior – A lot other than a corner lot.

(48) Lot Line – a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

(49) Lot Line (Front) – The lot line separating a lot from a street right-of-way.

(50) Lot Line (Rear) – the lot line opposite and most distant from the front lot line, or in the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot.

(51) Lot Line (Side) – Any lot line other than a front or rear lot line.

(52) Lot (Minimum Area of) – The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular zoning district.

(53) Lot (Through) – A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

(54) Lot Width – the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

(55) Maintenance Security – Financial security to secure the structural integrity and functioning of improvements for a term not exceeding eighteen (18) months after acceptance, as authorized by the MPC.

(56) Multiphase Development – A development project that is to be constructed in stages, each stage being capable of existing independently of the others.

(57) Natural Drainage Flow – The pattern of surface and storm water drainage from a particular site before the construction or installation of improvements or prior to any regrading.

(58) Nonconforming Lot – A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

(59) Nonconforming Structure or Building – A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

(60) Nonconforming Use – A use or activity which was lawful prior to the adoption, revision or amendment to the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

(61) Official Soil Map – Soil survey maps of Dauphin County as provided by the U.S. Department of Agriculture.

(62) Official Soils Interpretation – The written description of soil types and their characteristics and accompanying maps based upon soil survey maps of Dauphin County as provided by the U.S. Department of Agriculture.

(63) Plan or Plat – The map or plan of a subdivision or land development:

(A) Preliminary Plan. The preliminary drawings and any accompanying data, which accurately shows the proposed layout of lots, streets and other information as required by this Ordinance, with all such material being properly indicated in title as "Preliminary Plan."

(B) Final Plan. A complete and exact plan prepared for official recording with the Dauphin County Recorder of Deeds, as required by this Ordinance with said plan being properly indicated in title as "Final Plan."

(64) Resubdivision – A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved therein for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

(65) Retaining Wall – A structure constructed to hold back or support an earthen bank.

(66) Sanitary Sewer – Pipes that carry only domestic or commercial sewage and into which storm, surface and ground waters are not intentionally admitted. Where public sanitary sewer service is available, connection shall be required in accordance with this Ordinance.

(67) Site – A plot or parcel of land or combination of contiguous lots or parcels of land.

(68) Soil Erosion and Sedimentation Control Plan – A plan that indicates necessary land treatment measures, as approved by the Dauphin County Conservation District, designed to effectively minimize soil erosion and sedimentation.

(69) Subdivision – The division or redividing 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, or lease, of partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

(A) Subdivision (Major). Any subdivision which does not qualify or classify as a minor subdivision.

(B) Subdivision (Minor). A subdivision of a parcel of land resulting in not more than three (3) lots in total, each having direct or lawful indirect access to an existing public street, and which does not require the installation or extension of streets, off-site water or sewage facilities, storm drainage facilities, curbs, sidewalks, fire-suppression facilities, or other public improvements. Classification as a Minor Subdivision shall be determined by Borough Council upon recommendation of the Planning Commission and Borough Engineer. A subdivision that is part of a larger phased or cumulative development shall not qualify as a Minor Subdivision.

(70) Substantially Completed – The point at which, in the judgment of the Borough Engineer, at least 90% of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

(71) Water Table – The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

(72) Wetlands – A transitional area of land between terrestrial and aquatic ecological systems where the water table is usually at or near the surface of land that is normally covered with shallow water.

Part 3
Procedural Requirements

§301. Review and Approval Process. The submission and review process for subdivision and land development applications shall be in accordance with the following:

(a) Major Subdivision shall require the submission and approval of a preliminary plan and a final plan.

(b) Minor Subdivision shall require the submission and approval of only a final plan.

(c) Major Land Development shall require the submission and approval of a preliminary plan and a final plan. Minor Land Development shall require only a final plan as provided in Part 6.

(d) Upon written request under §110, Borough Council may permit a combined preliminary/final submission for a land development when the applicant demonstrates that a separate preliminary-plan stage is unnecessary and the combined submission contains all information otherwise required for both preliminary and final review. The Planning Commission and Borough Engineer shall review and make recommendations on the request.

(e) Authorization of a combined preliminary/final submission is procedural only and shall not waive any substantive design, improvement, application, review, financial-security, or approval requirement of this Ordinance or other applicable law.

§302. Submission of Plans and Applications. The applicant shall provide the following information to the Administrator not less than twenty-one (21) days prior to the next regularly scheduled meeting of the Planning Commission:

(a) Digital Submission. The Borough shall accept digital submissions in PDF format for all plans and applications.

(b) Paper Copies. Five (5) paper copies of the plan (preliminary or final) and five (5) paper copies of construction plans, if applicable, shall be submitted unless waived in writing by the Administrator due to electronic distribution.

(c) Application Form. A completed subdivision and/or land development application shall be submitted in the form required by the Borough.

(d) Sewage Facilities. Where required, the applicant shall submit documentation demonstrating compliance with the Pennsylvania Sewage Facilities Act and confirmation of public sanitary sewer availability.

(e) Professional Review Escrow. Any professional-review escrow required under §§111 and 904 shall be deposited with the Borough at the time required by the Borough fee schedule or written escrow estimate.

(f) Utility and Interconnection Information. Where a development depends upon an off-site utility extension or interconnection beyond ordinary service to the site, the application shall identify the utility provider, proposed point of connection, required off-site or on-site facilities, and the status of applications, studies, approvals, and agreements with the provider.

§303. Distribution of Plans.

(a) The Administrator, as designated by Borough Council, shall provide the Planning Commission with copies of the plan (preliminary or final), copies of construction plans, a copy of the application, and a copy of the required sewage documentation, either in digital or paper format as applicable.

(b) The Administrator, as designated by Borough Council, shall provide the Borough Council with copies of the plan (preliminary or final), construction drawings, and application materials, either in digital or paper format.

(c) The Administrator, as designated by Borough Council, shall provide a copy of the plan (preliminary or final), a copy of the application, and copies of construction plans and sewage documentation, as applicable, to the following agencies and officials for review and comment, as required by law or deemed necessary by Borough Council:

(1) The Dauphin County Planning Commission

(2) The Borough Zoning Officer

(3) The Borough Engineer

(4) The Pennsylvania Department of Environmental Protection (DEP), where applicable

(5) The Borough Solicitor

(6) The Sewage Enforcement Officer, where applicable

(7) Other professional consultants retained by the Borough, as applicable

(d) Every subdivision and land development application, including a Minor Subdivision or Minor Land Development, shall be referred to the Borough Engineer for review and comment. The Borough Engineer may advise that no further technical review is necessary for a particular application, but the initial referral shall not be omitted.

§304. County Planning Commission Review. The Borough Council shall not approve any subdivision plans or application until a report is received from the Dauphin County Planning Commission or until the expiration of thirty (30) days from the date said plans were forwarded to the Dauphin County Planning Commission, as required by the MPC. The applicant shall pay the review fee required by the Dauphin County Planning Commission.

§305. Public Hearing. The Borough Council may hold a public hearing prior to rendering a decision on any plan (preliminary or final).

§306. Installation or Guarantee of Required Improvements. Prior to approving any final plan for recording, the Borough Council shall require the following of the applicant:

(a) the installation of all required improvements in accordance with the design standards and specifications of this Ordinance.

OR

(b) provision of financial security in accordance with Part 7 of this Ordinance and Section 509 of the MPC, which assures and guarantees the subsequent installation of all required improvements in accordance with the design standards and specifications of this Ordinance.

§307. Procedural Methods in rendering Decisions.

(a) The Borough Council shall approve or reject a submitted plan (preliminary or final) within ninety (90) days following the date of the Planning Commission's regular meeting at which said plan is first reviewed.

Should the regular meeting date occur more than thirty (30) days following the date of submission of said plan, the ninety (90) day period shall be measured from the thirtieth (30th) day following the date on which the plan was properly submitted.

(b) The Borough Council shall communicate its decision to the applicant in writing either by delivery in person or by mail to applicant's last known address not later than fifteen (15) days following the decision.

(c) When an application and plan (preliminary or final) is not approved as submitted, the Borough Council decision shall specify the defects found in such and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

(d) As prescribed by the Pennsylvania Municipalities Planning Code, Act 247, as amended, failure of the Borough Council to render a decision and communicate said decision to the applicant as set forth in this section shall be deemed approval of the plan as submitted, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of communication of the decision.

§308. Recording of Final Plan.

(a) The applicant shall record the final plan within the time prescribed by Section 513 of the MPC, as amended.

(b) A final plan shall not be submitted for recording unless it bears the signature of the Borough Council Chair and Secretary and all other required signatures and seals.

(c) Within fourteen (14) days from the date on which the final plan is recorded, the applicant shall furnish to the Administrator proof of recording.

§309. Phasing Major Subdivision Plans. Prior to granting final approval of a major subdivision plan, the Borough Council may permit the plan to be divided into two or more sections or phases and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plan. Financial security may be required in an amount commensurate with the section or sections proposed for recording, in accordance with Part 7 of this Ordinance and the MPC.

Part 4

Preliminary Plan

§401. Preapplication Conference. A potential applicant for subdivision or land development, all or part of which is situated in the Borough, may request a conference with the Borough Zoning Officer, Borough Engineer, Administrator, and any other Borough staff or professional consultant deemed appropriate for the purpose of discussing or reviewing the proposed subdivision or land development.

(a) The preapplication conference shall not be mandatory and shall not be regarded as formal application for subdivision or land development. The filing of any report, sketch plan, plat or map prior to or at such conference shall not constitute submission of a plan or application for land development or subdivision.

(b) Any report, sketch plan, plat, map, or other material the applicant wishes the Borough to consider should be provided at or in advance of the preapplication conference.

(c) Borough staff and consultants may make nonbinding recommendations as a result of the preapplication conference. No statement or recommendation made before formal application shall bind the Borough, Planning Commission, Borough Council, or any Borough official in the subsequent review of an application.

§402. Initial Review. The Planning Commission shall review the Preliminary Plan to determine its completeness with regard to the standards, provisions, and requirements of this Ordinance. Any submission which is found to be incomplete shall be deemed to be incomplete and shall not be accepted for formal review. The Planning Commission shall notify the applicant in writing as to the nature and type of additional information which the applicant must submit.

§403. Review by Dauphin County Planning Commission. The Planning Commission may submit their recommendations on a Preliminary Plan to the Borough Council prior to the receipt of reports, comments or recommendations from those agencies and officials as outlined in Section 304 of this Ordinance. The Borough Council shall not approve a Preliminary plan until a report is received from the Dauphin County Planning Commission or until the expiration of thirty (30) days from the date it was forwarded to the Dauphin County Planning Commission, as required by the MPC.

§404. Planning Commission Review and Recommendation. The Planning Commission shall review the Preliminary Plan and consider all official reports, comments and recommendations as provided in Section 303(c) of this Ordinance. This Planning Commission shall render its recommendations to the Borough Council in conformance with Section 307 of this Ordinance. The following constitutes the types of action the Planning Commission will take:

(a) The Planning Commission may recommend disapproval of the Preliminary Plan, in which case it shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.

(b) The Planning Commission may recommend conditional approval of the Preliminary Plan, in which case it shall specify all additional information or changes needed, describing the requirements that have not been met, citing, in each case, the provisions of this Ordinance which were relied upon. The additional information or changes shall be required prior to further Preliminary Plan consideration or the submission of the Final Plan.

(c) The Planning Commission may recommend approval of the Preliminary Plan. Such recommendation of approval shall constitute recommended approval of the subdivision or land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features. Approval by the Borough Council binds the applicant to the general design and layout of the subdivision or land development as depicted upon the Preliminary Plan and permits the applicant to proceed with final detailed design of improvements, to arrange for financial security to cover installation of improvements and to prepare the Final Plan. Approval of the Preliminary Plan does not authorize the sale of lots, property, or the recording of the Preliminary Plan.

§405. Review and Approval/Disapproval of Plan. The Borough Council shall consider all official reports, comments and recommendations as provided in Section 303(c) of this Ordinance. The Borough Council shall render a decision in conformance with Section 307 of this Ordinance. The following constitutes the type of action the Borough Council may take:

(a) Disapprove the Preliminary Plan, in which case it shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.

(b) Conditionally approve the Preliminary Plan, in which case it shall specify all additional information or changes needed, describing the requirements that have not been met, citing, in each case, the provisions of the Ordinance which were relied upon. The additional information or changes shall be required prior to further Preliminary Plan consideration or the submission of the Final Plan. In granting preliminary approval, the Borough Council shall include in their notification that the applicant, within thirty (30) days from the date of conditional approval, may notify the Borough Council of his refusal to accept all of said conditions in writing. In such cases, the Borough Council's conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event that the applicant fails to notify the Borough Council of his refusal to accept all said conditions within thirty (30) days from the date of conditional approval, all conditions shall stand granted and deemed accepted by the applicant.

(c) Approve the Preliminary Plan. Such approval shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the applicant to proceed with the installation of the required improvements and/or to arrange for financial security in accordance with Part 7 of this Ordinance and Section 509 of the MPC and to prepare the Final Plan. Approval of the Preliminary Plan does not authorize the sale of lots, property or the recording of the Preliminary Plan.

§406. Preliminary Plan Drafting Standards.

(a) The Preliminary Plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not greater than one (1) inch equals fifty (50) feet.

(b) The original drawing, and all submitted prints thereof shall be made on a sheet size twenty-four (24) inches by thirty-six (36) inches, unless an alternate size is approved by the Borough Engineer.

(c) All dimensions shall be set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.

(d) If the Preliminary Plan requires more than one (1) sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet, and appropriately labeled with match lines.

(e) Preliminary Plans shall be so prepared and shall bear an adequate legend to indicate clearly which features are existing and which are proposed.

§407. Preliminary Plan Existing Conditions. The Preliminary plan shall be noted as "Preliminary Plan." All plans shall be prepared and sealed by a Pennsylvania-licensed professional engineer and/or land surveyor, as applicable, and contain the following information:

(a) Name and address of record owner, including certification of ownership which carries a Notarial Seal.

(b) Name and address of applicant if different from owner.

(c) Name of proposed subdivision or land development.

(d) Name and address of registered engineer and/or registered land surveyor, responsible for the subdivision plan or accuracy of the plan and its conformance to the provisions of this Ordinance.

(e) North point, graphic scale, and date including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised from each revision.

(f) Total tract boundaries of the property being subdivided, showing bearings and distances, and total size of the property, expressed in acreage and square feet.

(g) The names of all adjoining landowners, including block and lot numbers from the Dauphin County assessor's Office.

(h) All existing streets, including streets of record (recorded but not constructed) on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.

(i) All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements, or utility right-of-ways, culverts, storm drains, bridges, railroad, water courses and other significant man-made or natural features within the proposed subdivision or land development and within one hundred (100) feet from the boundaries of the proposed subdivision or land development.

(j) All existing buildings or structures within the boundaries of the proposed subdivision or land development.

(k) The zoning district or districts within which the proposed subdivision or land development is located.

(l) Existing contour lines at vertical intervals of two (2) feet.

(m) The location width and purpose of existing easements and utility right-of-ways within one hundred (100) feet of the proposed subdivision or land development.

(n) A location map at a scale of not greater than one (1) inch equals two thousand (2,000) feet, indicating the relation of the site to its geographic proximity within the municipality.

§408. Preliminary Plans Proposed Development. The Preliminary Plans shall contain and include the following information:

Lot layout and related features which shall indicate and provide:

(1) the total number of lots, with identification numbers, proposed for the site;

(2) the dimensions and area of all lots, expressed in either square feet or acres;

(3) the building setbacks for all lots along each street, or in the case of a land development, the proposed placement of each building along each street, and the proposed use of each building;

(4) proposed open space, parks, playgrounds, or recreational facilities with any governing conditions thereof;
(5) watercourses, lakes, wetlands, forested areas, and 100-year flood plains;
(6) copies of proposed deed restrictions, easements, and protective covenants referenced on the plan;
(7) proposed contour lines at vertical intervals of two (2) feet of the entire site;
(8) location, width and purpose of proposed easements and utility right-of-way;

Street and right-of-way layout which shall indicate and/or provide:

(1) the location of all proposed streets and existing streets (public and private) within the site and abutting or adjoining the site;
(2) the location, right-of-way, and cartway of all proposed streets, with a statement of any condition governing their use, the right-of-way and cartway of any existing streets (public or private) to which the proposed street will intersect;
(3) suggested street names and location of street signs;
(4) the beginning and end point of proposed street construction;
(5) location, width, and purpose of proposed easement and utility right-of-way;
(6) the location of street lighting;
(7) the location of sidewalks.

Sewage disposal which shall indicate and/or provide the following:

(1) when the subdivision or land development is to be served by a central sewage disposal system:

(A) the layout, size and material of sanitary sewers within the site;

(B) a letter from the local public agency or sanitary authority that states said agency or authority can adequately serve the proposed subdivision or land development, including any conditions required for the provision of service

OR

if the sewage is to be discharged into a privately owned and operated sewage treatment facility, the preliminary plan will indicate the location of such and all other pertinent features.

(A) location of manholes with invert elevation of flow line and grade at the top of each manhole;
(B) location of laterals.

(2) Individual on-lot sewage disposal systems shall not be permitted where public sanitary sewer service is available. Where public sewer is not available, sewage facilities shall comply with the Pennsylvania Sewage Facilities Act and all DEP requirements.

(3) Subdivisions or land developments to be serviced by a centralized water system shall indicate and/or provide the following:

(1) if to be served by an existing water company or authority, licensed as such by the Public Utility Commission, a letter of commitment from the same indicating said company or authority can adequately serve the proposed subdivision or land development including any conditions required for the provision of service; if to be served by a bona fide home owner's association, a cooperative agreement, which outlines the proposed provision of service and responsibility for maintenance of the system.

(2) location and size of all waterlines;

(3) location of fire hydrants.

(4) Storm drainage shall indicate and/or provide:

a. the location, size and material of all storm drainage facilities;

b. watershed areas for each drainage facility or swale.

§409. Additional Material Submitted with Preliminary Plan. The following material and information shall be submitted with the Preliminary Plan:

Proof of ownership;

Preliminary Plan Application form and required fee;

The required fee for Dauphin County Planning Commission review;

Digital submission of all materials in PDF format shall be permitted and encouraged in accordance with §302.

Application for a highway occupancy permit, if applicable, as required by the Pennsylvania Department of Transportation;

Construction Plans which include, where applicable, preliminary design, preliminary profiles, typical cross-sections and specifications for the construction and/or installation of streets, sidewalks, sanitary sewers, sewage treatment facilities, storm drainage facilities, water lines, bridges or culverts;

Application to the Dauphin County Conservation District for approval of appropriate Soil Erosion and Sedimentation Control Plan, if applicable;

Sewage planning documentation, if applicable, as required by the Pennsylvania Department of Environmental Protection (DEP); and

Estimated costs by item for required improvements.

For any development requiring a utility extension, transmission connection, or electric or other utility interconnection beyond ordinary site service, preliminary documentation from the utility or system operator identifying the proposed point of connection, material off-site facilities, the status of interconnection or service studies and agreements, and any known conditions affecting the land development shall be submitted.

Part 5

Final Plan

§501. Submission and Review Procedure.

(a) The Planning Commission shall review the Final Plan to determine its completeness including, but not limited to, conformance with the standards and data as set forth in Part 4 and any changes or modifications required by the Borough Council as a condition granting approval of the Preliminary Plan.

(b) The applicant shall submit the Final Plan within One (1) year from the date of the approval of the Preliminary Plan by the Borough Council, unless an extension in writing has been approved by the Borough Council. Failure to comply with the one (1) year time requirement shall render the preliminary Plan and any accompanying approval as null and void, thus requiring a new submission for the Preliminary Plan.

§502. Planning Commission Review and Recommendation. The Planning Commission shall review the final Plan and any official reports, comments or recommendations as provided in Section 303(c) of this Ordinance and shall render its recommendation to the Borough Council in writing. The following constitutes the types of action the Planning Commission may take:

(a) The Planning Commission may recommend disapproval of the Final Plan, in which case it shall specify the defects found in the application and plan, describing the requirements which have not been met. In each case it shall cite the provisions of the Ordinance Relied upon.

(b) The Planning Commission may recommend conditional approval of the Final Plan, in which case it shall specify all additional information or required changes, describing the requirements that have not been met, citing in each case the provisions of this Ordinance which were relied upon. This additional information or changes shall be required prior to further consideration of the Final Plan or filing the Final Plan with the Dauphin County Recorder of Deeds.

(c) The Planning Commission may recommend the approval of the Final Plan as submitted.

§503. Review and Approval/Disapproval of Plan. The Borough Council shall consider the recommendation of the planning Commission and all official reports, comments and recommendations as provided in Section 303(c) of this Ordinance. The Borough Council shall render a decision in conformance with Section 307 of this Ordinance. The following constitutes the types of action the Borough Council may take:

(a) The Borough Council may disapprove the Final Plan, in which case it shall specify the defects found in the application and Plan, describing the requirements which have not been met and in each case citing the provisions of this Ordinance relied upon.

(b) The Borough Council may conditionally approve the Final Plan, in which case it shall specify all additional information or required changes, describing the requirements that have not been met, citing in each case, the provisions of this Ordinance which were relied upon. Such additional information or required changes shall be required prior to further consideration of the Final Plan or filing the Final Plan with the Dauphin County Recorder of Deeds' Office. In granting conditional approval of the Final Plan, the Borough Council shall include in their notification that the applicant, within thirty (30) days from the date of conditional approval, may notify the Borough Council of his refusal to accept all said conditions in writing. In such cases, the Borough Council's conditional approval shall be deemed rescinded upon receipt of the applicant's written notification. In the event that the applicant fails to notify the Borough Council of his refusal to accept all said conditions within thirty (30) days from the date of conditional approval, all conditions shall stand granted and deemed accepted by the applicant.

(c) The Borough Council may approve the final Plan as submitted. Such approval by the Borough Council shall allow the applicant to file said final Plan with the Dauphin County Recorder of Deeds Office.

§504. Final Plan Drafting Standards. The Final Plan of a proposed subdivision or land development shall be in accordance with the standards as set forth in Section 406 of this Ordinance.

§505. Final Plan Requirements. The Final Plan shall include all additional information and changes required by the Borough Council in granting approval of the Preliminary Plan and all the following:

(a) Drawings and/or plans shall be titled "Final Plan – Subdivision or Land Development."

(b) An accurate field boundary survey of the entire site which shall be balanced and close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet, or as otherwise permitted by Pennsylvania law.

(c) The location and material of all permanent monuments and lot markers.

(d) Written certification by the responsible land surveyor and/or professional engineer, as applicable.

(e) A three (3) inch by five (5) inch blocked space shall be provided on the final Plan for the signature of the President of the Borough Council and the Borough secretary indicating approval and date of the same.

(f) The latest source of title to the property as shown by deed, page number and book of the Dauphin County Recorder of Deeds Office.

(g) The exact dimensions of all streets, including right-of-way and cartway; lot lines, areas and distances; utility and other easements; and all land to be dedicated to public use.

(h) All lot lines shall be completely dimensioned in feet if straight, and if curved, by designating length of arc and radius (in feet) and central angle (in degrees, minutes and seconds). All internal angles within the lots shall be designated to the closest second.

(i) The proposed building setback line or the proposed placement of each building shall be shown, and where corner lots are involved, the setbacks on both streets shall be shown.

§506. Additional Material Submitted with Final Plan. The following material and information shall be submitted with the Final Plan:

(a) Certification of ownership, acknowledgement of Plan and offer of dedication signed by the owner of the property and notarized.

(b) Final application form and required fee.

(c) If applicable, a copy of the Highway Occupancy permit, as required by the Pennsylvania Department of Transportation or a notation upon the Plan that no development or improvement to the site of parcels thereunder shall be undertaken until a Highway Occupancy Permit is secured or documentation demonstrating that a Highway Occupancy Permit is not required.

(d) Copies of final deed restrictions, those existing and those to be included upon recording, if any.

(e) All final covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space.

(f) Written certification, as applicable, from the appropriate public utility company, authority or agency that adequate service for the provision of sewage disposal, water and electrical service will be provided to the proposed subdivision and/or land development**,** including confirmation of public sanitary sewer availability where applicable.

(g) Where the development depends upon a utility extension, transmission connection, or electric or other utility interconnection beyond ordinary site service, the applicant shall submit executed or substantially final service/interconnection documentation and approved utility plans. If the provider does not issue final documentation until after municipal approval, the applicant shall submit written confirmation from the provider identifying the remaining conditions, and satisfaction of those conditions may be made a condition of final plan approval.

(h) Sewage Planning approval:

Pennsylvania Department of Environmental Protection (DEP)

(i) Appropriate Soil Erosion and Sedimentation Control Plan as approved by the Dauphin County Conservation District.

(j) Final construction plans of all sanitary sewer, water distribution and storm drainage systems, showing their exact location, size and invert elevations; the location of all manholes, inlets and culverts; and final profiles, cross-sections and specifications for proposed streets, sidewalks, sanitary sewers, water distribution systems and storm drainage systems. All construction plans shall be prepared and sealed by a Pennsylvania-licensed professional engineer.

(k) An improvement bond for the installation of required improvements, unless all such improvements are installed and completed to design specifications prior to Final Plan approval.

(l) Maintenance security:

Maintenance security, if required by Borough Council, in accordance with Section 509 of the MPC

(m) Reimbursement of all reasonable and necessary professional consultant review and inspection fees incurred by the Borough, payable from escrow in accordance with Part 7 of this Ordinance and Section 503(1) of the MPC.

Part 6

Minor Subdivision/Land Development

§601. Only Final Plan Required. The classification of a proposed subdivision as a Minor Subdivision shall only require the submission, review and approval of a Final Plan. A land development classified as a Minor Land Development shall only require the submission, review and approval of a Final Plan.

§602. Submission Procedure. The submission procedure for a Minor Subdivision or Minor Land Development shall be in accordance with Section 302 of this Ordinance.

§603. Distribution of Plan. The distribution of a Minor Subdivision Plan or Minor Land Development Plan shall be in accordance with Section 303 of this Ordinance.

§604. Drafting Standards for Minor Plans.

(a) The Final Plan for a proposed Minor Subdivision or Minor Land Development shall be clearly and legibly drawn to a scale of not greater than one (1) inch equals fifty (50) feet.

(b) The Final Plan shall be prepared on a sheet size of twenty-four (24) inches by thirty-six (36) inches, unless an alternate size is approved by the Borough Engineer.

§605. Requirements for Minor Plans. The Final Plan shall be noted as "Minor Subdivision - Final Plan" or "Minor Land Development – Final Plan" and contain the following information:

(a) Name and address of record owner, including certification of ownership which carries a Notarial Seal.

(b) Name and address of the applicant, if different from the owner.

(c) Name of proposed subdivision or land development.

(d) Name and address of registered engineer and/or registered land surveyor, responsible for the subdivision plan or land development plan, including certification of the accuracy of the plan with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet and its conformance to the applicable provisions of this Ordinance.

(e) North point, graphic scale and date, including the month, day and year that the original drawing was completed and the month, day and year that the original drawing was revised for each revision.

(f) Total tract boundaries of the property being subdivided and/or developed, showing bearings and distances, and total size of the property, expressed in acreage and square feet.

(g) The total number of proposed lots within a subdivision, with identification numbers for each; or, for a land development, the location of buildings with identification numbers for each.

(h) The dimensions and area of all lots, expressed in either square feet or acres.

(i) The required yard setbacks, as provided in the Zoning Ordinance, for all lots along each street or in the case of a land development, the proposed placement of each building along each street and the proposed use of each building.

(j) Zoning District:

The zoning district or districts in which the property is located, as established by the Zoning Ordinance.

(k) The location and dimensions of all existing structures, including accessory structures and off-street parking areas upon the subject property.

(l) The distance of all existing structures to lots lines, front rear and side which will result upon approval of the plan.

(m) The names of all adjoining property owners, including block and lot number from the Dauphin County Assessors Office.

(n) All existing streets, public or private, including streets of record (recorded but not constructed) on or abutting the subject tract, including their names or right-of-way widths.

(o) All existing sewer lines, water lines, fire hydrants, utility transmission lines, utility easements of right-of-ways, culverts, storm drains, bridges, railroad right-of-ways, water courses and other significant man-made or natural features located within the boundaries of the proposed subdivision or land development.

(p) Existing contours, and if applicable, proposed contours at vertical intervals of five (5) feet.

(q) All easements, existing and/or proposed, including their location, dimensions and purpose.

§606. Information to be submitted with Plan. The following information, as applicable, shall be submitted with the Final Plan of Minor Subdivision or Minor Land Development.

(a) Proof of ownership.

(b) Application for Minor Subdivision Plan or Minor Land Development Plan, and the required fee.

(c) Required fee for Dauphin County Planning Commission review.

(d) A Highway Occupancy Permit, as required by the Pennsylvania Department of Transportation or a notation upon the Plan that no development or improvement to the site or parcels thereunder shall be undertaken until a Highway Occupancy is obtained.

(e) A letter of commitment from an existing water company or authority, indicating the same can and shall adequately serve the proposed subdivision or land development, including any conditions for the provisions of service.

(f) A letter of commitment from an existing local public agency or authority, responsible for conveyance and/or treatment of sanitary sewage, indicating the same can and shall adequately serve the proposed subdivision or land development, including any conditions required for the provision of service.

(g) Copies of deed restrictions, those existing, and those to be included upon recording of plan.

(h) Copies of description of easements, existing easements of record and any additional ones to be included upon recording of plan.

(i) Reimbursement of all reasonable and necessary professional consultant review and inspection fees incurred by the Borough, payable from escrow in accordance with Part 7 of this Ordinance and Section 503(1) of the MPC.

(j) An appropriate Soil Erosion and Sedimentation Control Plan, approved by the Dauphin County Conservation District.

(k) Any other information as requested by the Borough Council.

§607. Recording of Plan. The applicant shall record the Final Plan in accordance with the requirements as set forth in Section 308 of this Ordinance.

Part 7

Assurances for Completion of Improvements

§701. Installation or Guarantee of Improvements. No plan shall be granted final approval until the applicant either:

(a) Installs all improvements as required by this Ordinance in accordance with the applicable design standards, with written verification from the Borough Engineer that said improvements are complete and in conformance with the applicable design standards.

(b) Posts financial security, acceptable to the Borough Council, which shall be of a sufficient amount to fully cover the costs of all required improvements in accordance with the applicable design standards.

§702. Types of Financial Guarantee.

(a) A financial guarantee **a**cceptable as financial security for purposes of this Ordinance shall include:
   a. An unconditional letter of credit;
   b. A performance bond or other security permitted by the MPC**.**

(b) Such financial security shall be with a lending institution which is chartered by the Federal Government or the Commonwealth of Pennsylvania or with a bonding company which is legally authorized to conduct such business within the Commonwealth of Pennsylvania.

§703. Review by Borough Solicitor. The financial guarantee shall be submitted to the Borough Solicitor for his review fourteen (14) days prior to the meeting at which the plan will be submitted for final approval.

§704. Amount of Financial Security. The amount of financial security to be posted for the completion of required improvements shall be equal to one hundred and ten percent (110%) of the cost of completion, estimated as of ninety days following the scheduled completion date. The amount of the required improvements, submitted by the developer or applicant, and prepared by a professional engineer, licensed as such by the Commonwealth. Said engineer shall certify in writing that his estimated cost for the completion of the required improvements is a fair and reasonable estimate. The Borough Council, upon the recommendation of the Borough Engineer, may for good cause shown, refuse to accept the developer's estimated cost. In cases where the municipality and the developer or applicant are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another licensed professional engineer, mutually selected by the municipality and the developer or applicant. The estimate certified by the third-party engineer, being presumed fair and reasonable shall be deemed the final estimate. In the

event that a third-party engineer is chosen, the cost of his services shall be paid equally by the municipality and the developer or applicant.

§705. Required Time Period for Completion.

(a) The financial security shall provide for, and secure to the public the completion of the required improvements within one (1) year of the date fixed on the Final plan for the completion of such improvements.

(b) If more than one (1) year is required, the amount of financial security may be increased by an additional ten percent (10%) for each one-year period beyond the initial term, not to exceed one hundred ten percent (110%) of the recalculated cost, in accordance with Section 509 of the MPC.

§706. Phasing of Developments. In the case where development is projected over a period of years, the Borough Council may authorize the submission of final plats by sections or phases of development subject to such requirements in future section or phases of development as it finds essential for the protection of any finally approved section of the development.

§707. Release of Portions of Financial Security.

(a) As the work of installing the required improvements proceeds, the party may request the Borough Council to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work.

(b) Any such request shall be in writing addressed to the Borough Council with the Borough Council having forty-five (45) days from receipt of such request within which to allow the Borough Engineer to certify in writing to the Borough Council that such portion of the required improvements has been completed in accordance with the approved plan.

(c) Upon certification, Borough Council shall authorize release in an amount estimated by the Borough Engineer. Failure to act within forty-five (45) days shall be deemed approval of the release.

§708. Financial Security for Maintenance of Dedicated Improvements.

(a) Borough Council may require maintenance security following acceptance of dedication for a term not exceeding eighteen (18) months.

(b) Maintenance security shall not exceed fifteen percent (15%) of the actual cost of installation and shall be of a type permitted by the MPC.

§709. Financial Security for Improvements under Jurisdiction of a Public Utility or Municipal Authority. If water mains or sanitary sewer lines or both, along with apparatus or

facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Ordinance.

§710. Issuance of Permits when Financial Security has been posted.

(a) If financial security has been posted, the Borough shall not condition issuance of zoning or building permits upon actual completion of improvements.

(b) Occupancy permits shall not be withheld where access streets are in a permanently passable condition and other necessary improvements are completed.

§711. Completion of Required Improvements.

(a) Applicant shall notify Borough Council and the Borough Engineer in writing of completion.

(b) Borough Council shall authorize inspection within ten (10) days.

(c) Borough Engineer shall report within thirty (30) days.

(d) Borough Council shall notify applicant within fifteen (15) days.

(e) Prior to final release of financial security, acceptance of dedicated improvements, or other final closeout where required by Borough Council, the applicant shall furnish record/as-built plans for required improvements. As-built plans for stormwater BMPs, utilities, streets, and other engineered improvements shall be prepared and certified by a Pennsylvania-licensed professional engineer, as applicable. Where boundary, setback, or dimensional location was material to an approval or modification, Borough Council may require certification by a Pennsylvania-licensed professional land surveyor or other professional authorized by law. The certification shall identify material deviations from the approved plan.

(f) Where the approved development is subject to rate-and-volume stormwater controls, the as-built submission shall document the location, elevation, dimensions, and material design features of the stormwater BMPs and shall demonstrate substantial conformity with the approved stormwater plan before final release or closeout.

Failure to comply with these time limits shall result in deemed approval, as provided by the MPC.

§712. Responsibility of Applicant upon Disapproval of Improvements. If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the

applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined in Section 711, shall be followed.

§713. Applicant's Right to Contest Action. Nothing herein, however, shall be construed in limitation of the applicant's right to contest or question by legal proceedings or otherwise any determination of the Borough Council or Municipal Engineer.

§714. Remedies to Effect Completion of Improvements.

(a) In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan, the Borough Council can enforce any financial security or other security by appropriate legal and equitable remedies.

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

(c) All of the proceeds, whether resulting from the security or from any legal or equitable action, or from both, brought against the applicant shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

§715. Reimbursement of Consulting Fees. The Borough Council may utilize consulting services to ensure that a proposed subdivision or land development shall comply with the provisions of this Ordinance and any conditions included in granting approval of a proposed subdivision or land development, be it preliminary or final. The applicant shall fully reimburse the Municipality for all reasonable and necessary consulting costs incurred by the Municipality for the review of an application and plans of any subdivision or land development and for the inspection of required improvement, as applicable. Consulting fees shall be reimbursed from escrow in accordance with Part 7 and Section 503(1) of the MPC.

§716. Procedure for Disputes over Consulting Fees. All billing, payment, dispute, arbitration, and related procedures concerning professional consultant review fees and inspection fees shall be governed by Sections 503(1) and 510(g) of the Pennsylvania Municipalities Planning Code, as amended. The Borough shall provide the itemized billing required by the MPC. An applicant disputing review or inspection fees shall provide the notices required by the MPC within the time prescribed therein. The Borough shall not delay or disapprove an application, release of financial security, approval, or permit because of a fee dispute to the extent prohibited by the MPC.

Part 8

Design Standards and Required Improvements

§801. Application.

(a) The design standards and requirements as outlined in this Part shall be utilized by the Planning Commission and the Borough Council in evaluating the plans for all proposed subdivisions and land developments.

(b) Any request to modify the design standards and requirements of this Part shall be in accordance with Section 110 of this Ordinance.

§802. General Standards. All proposed subdivision and land developments shall be in conformance and compliance with the following:

(a) All applicable statutory provisions;

(b) All governing rules and regulations of the Pennsylvania Department of Environmental Protection;

(c) PennDOT regulations where applicable;

(d) Borough engineering standards and regulations.

§803. Site Suitability for Development.

(a) The land for any proposed subdivision or land development shall be suited for the purpose of its intended use.

(b) Land which is classified as critical area land may be deemed unsuitable for subdivision or development due to flooding, improper drainage, rock formations, adverse topography, steep slopes, utility easements, or other features which may reasonably be harmful to the safety health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas. Approval to subdivide or develop such land may be withheld unless adequate measures and provisions are formulated by the applicant to safely overcome such constraints.

§804. Monuments and Markers. The applicant shall place permanent reference monuments and markers by a Registered Land Surveyor.

(a) Monuments and markers shall be placed so that the center of a scored or marked point shall coincide exactly with the intersection of the lines to be marked.

(b) Monuments shall consist of a minimum size of six (6”) inches by six (6”) inches by thirty-six (36”) inches in length. Concrete monuments shall be marked on top with a brass

dowel, iron rod, or other durable material securely imbedded. Stone or precast monuments shall be marked on the top with a proper inscription and/or drill hole. All monuments shall be set flush with the ground and secured in such a manner so they will not be removed by frost.

(c) Monuments shall only be required for major subdivisions or major land developments and shall be set in accordance to the following:

(1) One at each single angle of the perimeter of the property at all major subdivisions and land developments.

(2) One at the beginning and end of all curves along street rights-of-way lines along one side or street.

(3) A minimum of one at each street intersection along the street right-of-way line.

Markers shall consist of either:

(1) Copperweld survey marker.
(2) Water pipe fitted with a lightweight noncorrosive plastic monument marker.
(3) Reinforcing rods with a lightweight noncorrosive plastic monument marker.

Markers normally shall be flush with the surrounding grade.

Markers shall be set as follows:

(1) At all points where lot lines intersect street right-of-way lines, except for monument locations.

(2) At all other lot corners.

(3) At all points where lot lines intersect curves.

(4) At all angles in property line of lots.

§805. Residential Blocks. For blocks, the following standards shall apply:

(a) Maximum length not to exceed 1,200 feet;
(b) Be of sufficient width to permit two (2) tiers of lots.

Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.

§806. Residential Lots.

(a) All subdivisions and land development for residential use shall be in conformance with the applicable minimum lot sizes, lot widths and yard requirements as set forth in the Zoning Ordinance.

(b) Each lot or area platted for residential use shall be accessible from an existing or proposed street.

(c) The lot depth shall not be greater than three (3) times its width.

(d) Side lines of lots shall be at right angles to straight streets and on radial lines on curved streets. Pointed or very irregular shaped lots shall be avoided.

(e) Individual on-lot sewage disposal systems shall not be permitted where public sanitary sewer service is available. Where sewer is not available, sewage facilities shall comply with the Pennsylvania Sewage Facilities Act and DEP requirements.

(f) Double frontage lots shall be avoided but may be permitted when required to provide a separation of a residential development from arterial streets or to overcome specific disadvantages of topography or other natural features of the site.

(g) Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.

§807. Streets – General Requirements.

(a) Any proposed subdivision or land development shall have frontage upon or access to an existing State, County or municipal road.

(b) No new private street shall be created as part of a subdivision or land development. All new streets shall be designed and constructed to Borough standards and offered for dedication to the Borough. Nothing in this subsection requires the Borough to accept a dedication. This prohibition does not apply to alleys, private driveways, shared driveways, or access drives that do not function as a street and are otherwise authorized by applicable Borough ordinances.

(c) Streets shall be designed to provide adequate vehicular access to all lots or parcels within any proposed subdivision or land development.

(d) Streets shall be designed and appropriately related to the topographic conditions of the site, with the grade of streets conforming as closely as possible to the original topography.

(e) Streets shall be graded and improved in accordance with the appropriate design standards and specifications of this Ordinance.

(f) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way.

(g) All streets shall be properly related to specific traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

§808. Street Names. The applicant shall provide names for all streets on or before final plan approval. The applicant shall not utilize the name of any existing street in the municipality except that a street when planned as a continuation of an existing street shall bear the same name.

§809. Street Lighting. The installation of street lights shall be provided where required by the Borough Council based upon documented safety needs, PennDOT requirements, or utility provider standards.

§810. Street Signs. Street-name signs shall be erected at each street intersection within a subdivision or land development. Sign design, placement, mounting, retroreflective sheeting, and materials shall comply with current applicable PennDOT and Manual on Uniform Traffic Control Devices (MUTCD) standards and shall be subject to approval by Borough Council upon recommendation of the Borough Engineer.

§811. Traffic Control Signs. Traffic control signs necessary to regulate traffic or identify pertinent traffic or roadway conditions shall be installed by the applicant at locations approved by Borough Council. Sign design, placement, mounting, and retroreflective sheeting shall comply with current applicable PennDOT and MUTCD standards.

§812. Construction of Streets and Dead-End Streets. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provisions of utilities, and when such continuation is in accordance with the municipality's Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets. This may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

§813. Dead-End Streets (Permanent). Any new street intended for dedication to the Borough shall be designed, to the extent practicable, to satisfy the then-current PennDOT requirements for inclusion on the Borough's Municipal Liquid Fuels street inventory. However, the Borough Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a

permanent dead-end street in accordance with Section 818 of this Ordinance. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards of Section 818 of this Ordinance.

§814. Access to Arterial Streets. Where a subdivision or land development borders on or contains an existing or proposed arterial street, the Borough Council may require that access to such street be limited by one of the following methods:

(a) The subdivision of lots in a manner in which the lots front onto a parallel local street with no access provided to or from the arterial street.

(b) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.

(c) A marginal access or service road, separated from the arterial street by a planting or grass strip and having access thereto at suitable points.

§815. Intersection.

(a) Streets shall intersect as nearly as possible at right angles. When local streets intersect with collector or arterial streets the angle of intersection at the street centerlines shall in no case be less than seventy-five (75) degrees. No two streets shall intersect with an angle of intersection at the centerlines of less than sixty (60) degrees unless channelized to restrict a turning movement.

(b) Multiple intersections involving the junction of more than two streets shall be prohibited.

(c) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two (2) percent grade at a distance of sixty (60) feet, measured from the nearest right-of-way of the intersecting street. A stop controlled approach shall be provided stopping sight distance based on the posted speed limit.

(d) Where any street intersection will involve earth banks or existing vegetation inside any corner lot that would create a traffic hazard by limiting visibility, the applicant shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance as contained in section 817 of this Ordinance. Deed restrictions shall be established that no structures, fences, or plantings are allowed that would impact the required sight distance and maintenance of vegetation is required to maintain the sight distance.

(e) The cross-slopes on all streets, including intersections shall be three (3%) percent or less.

§816. Design Standards for Residential Streets. Street shall be constructed and improved to the grades and dimensions shown upon plans, profiles and cross-sections as submitted by the developer and approved by the Borough Council.

(a) In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and to afford satisfactory access to police, fire protection, snow removal, sanitation and road maintenance equipment and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the design standards contained in Section 816(c) shall apply.

(b) The classification of any street, when not identified within the Comprehensive Plan, shall be determined by the Borough Council by utilizing applicable definitions of this Ordinance.

(c) The minimum pavement structure shall be in accordance with the following:

> For design of pavements for all streets or highways, the developer shall consult with and be governed by the Pennsylvania Department of Transportation publication No. 242 Pavement Policy Manual, current edition or successor publication. The Borough Council shall hold sole responsibility for the classification of streets as related to the above referenced paving standards.

§817. Horizontal Visibility.

(a) When street centerlines are deflected more than five (5) degrees within five hundred feet, connection shall be made by horizontal curves.

(b) Streets shall be so laid out that there will be unobstructed sight distances along centerlines thereof measured from a point 3.5 feet above the proposed grade line to a point 3.5 feet above the existing or proposed grade line, to permit horizontal visibility as follows:

Arterial Street – six hundred (600) feet.

Collector Street – three hundred (300) feet.

Local Street – two hundred (200) feet.

(c) A minimum tangent of one hundred (100) feet shall be required between curves on all classifications of streets unless shown to be design in accordance with current PennDOT standards for new construction.

(d) The centerline grades shall not exceed the following:

Arterial Street – six (6%) percent.

Collector Street – eight (8%) percent.

Local Street – twelve (12%) percent.

Given the steep terrain and topography within certain areas of the Borough, Local Street having grades in excess of twelve (12%) percent may be considered by the Borough Council in accordance with Section 110 of this Ordinance.

(e) Vertical curves shall be used at changes of grade exceeding one (1%) percent. Vertical curves shall be designed to produce the following minimum sight distances:

Arterial Street – five hundred (500) feet.

Collector Street – three hundred (300) feet.

Local Street – one hundred fifty (150) feet.

(f) Clear sight triangles shall be provided at all street intersections in accordance with the current accepted PennDOT version of the American Association of State Highway and Transportation Officials (AASHTO) Green Book, formally titled "*A Policy on Geometric Design of Highways and Streets" or its successor publication*. In addition, with such triangles, no object greater than two and one half (2 ½) feet in height and no other object that would obscure the vision of the motorist shall be permitted. Such triangles shall be established from a distance of:

(1) Fifty (50) feet from the point of intersection of centerlines of two streets where both are local streets.

(2) Seventy-five (75) feet from the point of intersection of the centerlines of two streets where one or both is a collector street.

(3) One hundred (100) feet from the point of intersection of the centerlines of two streets where one or both is a arterial street.

§818. Cul-de-sac Streets.

(a) Cul-de-sac streets permanently designed as such, shall not exceed four hundred (400) feet in length, measured from the centerline intersection with the through street to the center of the turnaround.

(b) Cul-de-sac street permanently designed as such, shall terminate in a turnaround meeting Borough Engineer standards, with a minimum paved radius of forty (40) feet and right-of-way sized accordingly.

§819. Bridges and Stream Crossings. Bridges, culverts, and other stream-crossing structures that are part of a proposed street or access system shall be designed and constructed in accordance with current applicable PennDOT standards and specifications and shall obtain all permits and approvals required under 25 Pa. Code Chapter 105 and other applicable federal, state, or local law before construction.

§820. Sidewalks.

(a) Sidewalks shall be required for subdivisions and land developments located in the R-3 District and the Borough business districts designated by the Zoning Ordinance. Borough Council may require sidewalks in other locations where necessary to continue an existing pedestrian network or address a documented pedestrian-safety need. A request not to provide a required sidewalk shall be submitted as a written modification request under §110.

(b) Sidewalks and pedestrian access routes shall comply with then-current applicable requirements of the Americans with Disabilities Act, federal pedestrian right-of-way accessibility standards, PennDOT requirements, and the Pennsylvania Uniform Construction Code, including applicable requirements for clear width, passing spaces, running slope, cross-slope, curb ramps, and detectable warnings.

(c) The location and alignment of sidewalks within the right-of-way shall be approved by the Borough Engineer with due consideration to drainage, utilities, street trees, snow storage, and continuity with existing or planned pedestrian facilities.

(d) Sidewalk materials, base, joints, and construction shall comply with current applicable PennDOT standards or Borough construction specifications approved by Borough Council upon recommendation of the Borough Engineer.

§821. Curbs and Gutters. Curbs and gutters may be required by the Borough Council dependent upon the individual characteristics of the site. Minimum construction standards are as follows or meet current PennDOT Roadway Construction Standard RC-64M or its successor:

(a) Straight curbs of Portland Cement Concrete shall be twenty-four (24”) inches in depth, six (6”) inches wide at the top, and eight (8”) inches wide at the bottom, and shall have an exposed face between six (6”) inches and eight (8”) inches.

(b) Expansion joints shall be provided at least every thirty (30’) feet. Each expansion joint shall contain one-half (½”) inch premolded bituminous expansion joint material. Contraction joints shall be provided at least every ten (10’) feet.

(c) Gutter requirements shall be in conformance with good engineering practices and subject to the approval of the Borough Council.

(d) Portland cement concrete used in the construction of curbs and gutters shall meet the minimum 3000 PSI 28-day strength test according to ASTM Standards, air entrained.

§822. Driveway Entrances.

(a) Adequate provisions to maintain uninterrupted parallel drainage along a public street at the point of driveway entry shall be made. The minimum diameter of a culvert pipe shall be fifteen (15) inches.

(b) Driveway entrances or aprons within the street right-of-way shall be surfaced their full width of the entrance, with the material compatible to the abutting cartway.

(C) Driveway design will provide a five (5') pedestrian access route if sidewalks are present or planned in the zoning ordinance.

§823. Erosion and Sedimentation Control.

(a) All earth disturbance associated with a subdivision or land development shall be planned and conducted to minimize accelerated erosion and sedimentation and shall comply with 25 Pa. Code Chapter 102, the current DEP Erosion and Sediment Pollution Control Program Manual, and applicable requirements of the Dauphin County Conservation District.

(b) An erosion and sediment control plan shall be prepared and submitted whenever required by applicable law or the Dauphin County Conservation District. The Borough may also require sufficient erosion-control information to determine compliance with this Ordinance where the proposal includes grading, steep slopes, watercourses, or other conditions presenting a material erosion or sedimentation concern.

(c) Required erosion and sedimentation control plans and related permit information shall be submitted with the subdivision or land development plan at the stage necessary to permit meaningful municipal review.

(d) The applicant shall obtain all NPDES, Chapter 102, and other earth-disturbance approvals required by DEP or the Dauphin County Conservation District before commencing regulated earth disturbance, and evidence of required approvals shall be supplied to the Borough.

§824. Water Supply Facilities. All subdivisions and land development shall be served with an adequate water supply system capable of providing domestic potable water and fire protection.

§825. Centralized Water System.

(a) All subdivisions and land developments shall utilize the Borough's public distribution system for water supply and fire protection unless specifically waived by the Borough. Applications for waivers of this provision shall clearly state the reasoning why the

connection to the Borough's public water system is neither feasible nor desirable, for either potable use or fire protection.

(b) The plans for the installation of water lines of a public water supply shall be prepared by the developer with the cooperation of the Borough's public water system and in accordance with applicable DEP and ISO design standards and submitted with the Preliminary Plan. Water line extensions shall incorporate looping between two or more existing dead-ends of the Borough's water distribution system to the maximum extent feasible.

(c) When a subdivision or land development is to be serviced by a centralized water supply system, fire hydrants shall be installed. The location and number of fire hydrants shall be determined on a case by case basis. Fire hydrants along any approved street shall not be more than five hundred (500) feet apart and connected to a water main not less than eight (8) inches in diameter.

§826. On-Lot Water System. Where the Borough specifically waives the requirement to connect a proposed subdivision or land development to its centralized water system, on-lot systems may be permitted subject to their construction in accordance with applicable criteria as set forth by the Pennsylvania Department of Environmental Protection. On-lot water systems shall be permitted only where connection to a centralized water system is specifically waived as determined by Borough Council upon recommendation of the Borough Engineer.

§827. Sewage Disposal Facilities. All subdivisions and land developments shall be served with a sewage system (either centralized or on-lot) which meet or exceed the applicable minimum design standards as set forth by the Pennsylvania Department of Environmental Protection.

§828. Centralized Sewers.

(a) All subdivisions and land developments shall be served by a centralized sewage disposal system, when existing soils conditions and other environmental features are unsatisfactory for on-lot sewage or when an existing centralized sewage system where an existing public sanitary sewer system is available and connection is feasible.

(b) All centralized sewage disposal systems shall be compatible with any sewage feasibility studies and/or the official municipality sewage plan, and be approved by the appropriate agencies prior to Final Plan approval.

(c) All sanitary sewers shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development plus additional flow as may be projected to be generated by adjacent properties.

(d) All individual lateral connections shall be installed to the curb right-of-way line at the time of initial installation of the system.

(e) Centralized sewage facilities shall comply with the Pennsylvania Sewage Facilities Act, applicable DEP regulations including 25 Pa. Code Chapters 71 through 73, as applicable, and the Borough Official Sewage Facilities Plan.

§829. On-Lot Sewage Disposal System.

§829 shall apply only where public sanitary sewer is not available and DEP/SEO approvals are obtained.

§830. Stormwater Management.

(a) Every subdivision and land development shall comply with the Borough Stormwater Management Ordinance, as amended, and all applicable Act 167 watershed-plan, DEP, and other legal requirements. Those requirements are incorporated into the review of subdivision and land development applications by reference.

(b) The applicant shall submit all stormwater management plans, calculations, drainage-area mapping, BMP information, easements, operation-and-maintenance documents, agreements, and other materials required by the Borough Stormwater Management Ordinance at the stage necessary for meaningful review and approval.

(c) A subdivision or land development shall not alter drainage in a manner that unlawfully overloads an existing drainage system, causes prohibited flooding or erosion, or creates an unmitigated adverse drainage condition on public or private property. Any proposed change in discharge point, rate, volume, or drainage pattern shall comply with the Borough Stormwater Management Ordinance and applicable law.

(d) Stormwater conveyance, detention, infiltration, easements, access for maintenance, and related facilities shall be designed and located in accordance with the Borough Stormwater Management Ordinance and the approved stormwater plan.

(e) Where a provision of this SALDO and the Borough Stormwater Management Ordinance address the same subject, the more specific or more protective lawful requirement shall govern. Nothing in this section is intended to duplicate or supersede technical design criteria established by the Borough Stormwater Management Ordinance.

§831. Utilities. All utilities shall be underground in new subdivisions and land developments involving new street construction, unless waived by Borough Council due to documented infeasibility.

§832. Nonresidential Subdivision and Land Development.

(a) Applicability. Every nonresidential subdivision and land development, regardless of the zoning district in which it is located, shall comply with this section in addition to all other

applicable requirements of this Ordinance, the Zoning Ordinance, the Stormwater Management Ordinance, and other applicable law.

(b) The applicant shall demonstrate through the plan and supporting materials that the proposed street, access, parcel, utility, stormwater, and improvement layout is specifically adapted to the proposed use and reasonably coordinated with existing and planned uses and public infrastructure in the vicinity.

(c) Streets, access drives, rights-of-way, pavement, bridges, and intersections shall be designed to accommodate the type and volume of traffic reasonably anticipated from the proposed development, including construction traffic and emergency vehicles.

(d) Water, sewer, electric, stormwater, telecommunications, and other utilities serving the development shall have adequate capacity and shall be located and constructed in a manner consistent with applicable provider requirements and Borough ordinances.

(e) Where the development abuts existing residential use or a residential zoning district, the plan shall demonstrate compliance with all applicable zoning setbacks, buffers, screening, lighting, access, and other standards intended to reduce land-use conflicts.

(f) Off-site and public improvements may be required only to the extent authorized by the MPC and other applicable law and shall be reasonably related to the development impacts addressed by the applicable ordinance provision.

(g) Applications meeting the threshold of §833 shall also comply with the large-scale nonresidential land development requirements of that section.

§833. Large-Scale Nonresidential Land Development.

(a) Applicability. In addition to §832, this section shall apply to any nonresidential subdivision or land development involving twenty-five (25) acres or more of total site area within the Borough, whether proposed initially, cumulatively, or in phases, and to any development that constitutes a development of regional significance and impact as defined by the MPC. The threshold in this subsection is a land-development review threshold and does not authorize a use that is not permitted by the Zoning Ordinance.

(b) Cumulative and Integrated Project Review. For purposes of determining applicability and evaluating development impacts, portions of an overall project within the Borough shall be considered cumulatively where they are part of a common or coordinated development and share one or more material elements such as access, stormwater facilities, utility or electrical interconnection facilities, construction staging, internal roads, transmission facilities, or other common infrastructure. Separate applications or phases shall not be used to avoid the requirements of this section.

(c) Master Project Disclosure. The preliminary plan shall identify the entire coordinated project within the Borough and shall show or describe: (1) all tax parcels and zoning districts; (2) ownership, leasehold, option, easement, or other development-control interests held by the applicant or project entities; (3) acreage by parcel, zoning district, development phase, disturbed area, impervious area, and proposed open or undeveloped area; (4) all existing and proposed access, internal circulation, utility corridors, interconnection facilities, stormwater facilities, water and fire-protection facilities, sanitary-sewer facilities, and construction staging areas; and (5) the anticipated sequence and timing of development phases.

(d) Impact Analysis Required. The applicant shall submit an Impact Analysis proportionate to the scale and characteristics of the proposed development and prepared by qualified professionals in the disciplines reasonably necessary to evaluate the proposal. The analysis shall address, as applicable:

(1) traffic and transportation, including construction traffic, haul routes, roadway and intersection capacity, highway occupancy permits, emergency access, preconstruction conditions of Borough roads expected to carry material construction traffic, and measures necessary to address documented development-related impacts;

(2) stormwater, erosion and sedimentation, watersheds, drainage patterns, downstream conveyance, and the cumulative effect of all proposed phases under the Borough Stormwater Management Ordinance;

(3) public and private utility capacity, including water, sanitary sewer, electric service, transmission or interconnection facilities, and any off-site extensions or upgrades necessary to serve the development;

(4) emergency services and fire protection, including emergency access, site identification, shutoff or isolation points where applicable, water supply or fire-suppression facilities required by applicable codes, and coordination with the Borough Emergency Management Coordinator and emergency responders;

(5) floodplains, wetlands, watercourses, steep slopes, soils, and other site constraints regulated or required to be identified under applicable Borough, county, state, or federal requirements;

(6) construction staging and sequencing, including temporary access, worker and equipment parking, soil stockpiles, dust and mud control, temporary lighting, restoration of disturbed areas, and other construction-phase conditions material to land-development review; and

(7) cumulative impacts of all coordinated phases on Borough roads, stormwater facilities, utilities, emergency services, and other public infrastructure.

(e) Utility and Interconnection Documentation. A project dependent upon an electric transmission, generation, storage, or other utility interconnection beyond ordinary site service shall submit the provider or system operator documentation reasonably available at each review stage, including applications, studies, plans, agreements, correspondence, points of interconnection, required facilities, and the allocation of construction and maintenance responsibilities. Final documentation shall be provided before final plan approval to the extent issued by the provider; otherwise, written provider confirmation of outstanding conditions shall be supplied and may be incorporated into the final approval.

(f) Cross-Municipal Projects. If a coordinated project extends into an adjoining municipality, the applicant shall depict the overall integrated project for informational and impact-analysis purposes and shall provide copies of material adjoining-municipality plans or approvals reasonably available to the applicant. Gratz Borough shall regulate only development within its jurisdiction, but may consider effects of the overall integrated project to the extent necessary to evaluate compliance and impacts within the Borough.

(g) Professional Review. Borough Council may obtain review by the Borough Engineer, Solicitor, traffic engineer, fire-protection professional, hydrologist, planner, or other professional consultant reasonably necessary to evaluate compliance with specific ordinance requirements. Reasonable and necessary review fees shall be reimbursed by the applicant in accordance with §§715, 716, and 904 and the MPC.

(h) Phasing. Each phase shall be capable of safe and functional operation with the access, stormwater, utilities, emergency facilities, and other improvements necessary for that phase in place or financially secured as permitted by law. Phasing shall not relieve the applicant from demonstrating compliance based upon the cumulative development shown on the master project disclosure.

(i) Decommissioning and Restoration. Where the Zoning Ordinance or another applicable law requires a decommissioning, closure, or site-restoration plan or financial assurance for the proposed use, the final land development submission shall include the then-current required plan and evidence of the required financial assurance or other security before the final plan is signed for recording.

(j) Plan Revisions and Conditions. Borough Council may require revisions, improvements, or approval conditions only where reasonably necessary to demonstrate or secure compliance with a specific provision of this Ordinance, the Zoning Ordinance, the Stormwater Management Ordinance, or other applicable law, or to address a documented land-development impact through a requirement otherwise authorized by law.

§834. Referenced Design Standards. Streets, sidewalks, curbs, gutters, signs, drainage structures, and related public improvements shall comply with the specific Borough standards stated in §§807 through 830 and with the then-current applicable PennDOT publications,

roadway construction standards, accessibility standards, and other technical standards incorporated by reference in those sections. Where a specific dimensional standard of this Ordinance is more restrictive than a referenced technical standard and is not preempted by law, the Borough standard shall govern.

§835. Schedule of Required Improvements. The following schedule identifies the types of improvements generally required for subdivision and land development. Any notation permitting case-specific determination shall be administered under the standards of this Ordinance and applicable law.

SCHEDULE OF REQUIRED IMPROVEMENTS

IMPROVEMENT	SINGLE-FAMILY	MULTIFAMILY	COMMERCIAL	INDUSTRIAL
Streets	X	X	X	X
Curbs	A	A	A	A
Gutters	A	A	A	A

Sidewalks: Required in R-3 and Business Districts; otherwise not required unless Borough Council determines a safety need based on site conditions.

Street Signs	X	X	X	X
Street Lights	X	X	X	X
Off-Street Parking	X	X	X	X
Off-Street Loading	NA	NA	X	X
Central Water	X	X	X	X
Fire Hydrants	X	X	X	X
Central Sewers	X	X	X	X
Storm Water Sewers	A	A	A	A
Underground Utilities*	B	X	X	X

* Electric, Telephone & Cable T.V.

X – Denotes an improvement that is required when applicable to the proposed development under the specific provisions of this Ordinance

A – Denotes Type of Improvements which may be Required Based upon Individual Site Characteristics.

B – Denotes Waiver of Underground Utilities contingent upon Approval of Utility Company

Part 9

Fee Schedule for Subdivision and Land Development Applications

§901. Major Subdivision. Application and filing fees for Major Subdivision plans shall be established by resolution of Borough Council and may be amended from time to time.

§902. Minor Subdivision. Application and filing fees for Minor Subdivision plans shall be established by resolution of Borough Council and may be amended from time to time.

§903. Land Development. Application and filing fees for Land Development plans shall be established by resolution of Borough Council and may be amended from time to time.

§904. Additional Fees. In addition to the filing fees set forth above, the applicant, subdivider and agent shall individually or jointly be responsible for paying all review and inspection fees incurred by the Borough.

(a) Escrow Deposit Required. The applicant shall deposit funds into an escrow account in an amount reasonably estimated by the Borough Engineer or other reviewing Borough professional based upon the size, complexity, and anticipated professional-review and inspection needs of the application, subject to the fee schedule and procedures established by resolution of Borough Council. The escrow shall reimburse reasonable and necessary professional consultant review and inspection fees authorized by Section 503(1) of the MPC. Borough Council may establish minimum initial deposits by resolution, but the required escrow for an individual application may be adjusted to reflect its anticipated review needs.

(b) Reimbursable Costs. Reimbursable costs may include reasonable and necessary fees charged to the Borough by the Borough Engineer, Borough Solicitor, and other professional consultants retained by the Borough to review plans, inspect improvements, prepare cost estimates, and review or draft development-related agreements (including, where applicable, developer's agreements and stormwater maintenance agreements).

(c) Rates. Consultant fees shall not exceed the customary or contracted rates charged to the Borough for similar services and shall comply with MPC limitations.

(d) Billing and Replenishment. The Borough may invoice the applicant periodically and may require replenishment of escrow when the balance falls below an amount established by Borough policy or resolution.

(e) Condition of Acceptance/Signature. No application shall be deemed complete, and no plan shall be signed for recording, until required fees and escrow deposits are paid and escrow is maintained in good standing.

(f) Dispute Resolution. Disputes regarding consultant fees shall be handled in accordance with §716 of this Ordinance and the MPC.

ENACTED AND ORDAINED by Gratz Borough Council on this the ____ day of _____, 2026.

ATTEST: GRATZ BOROUGH COUNCIL:

_____ By: _____

Secretary President

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2026.

_____

Mayor