

**Camp Hill Borough  
Cumberland County, Pennsylvania**

***Subdivision and  
Land Development Ordinance***

**December 2020**

This Ordinance will replace in its entirety the current Subdivision and Land Development Ordinance – 1993, as amended.

CAMP HILL BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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Chapter 179: SUBDIVISION AND LAND DEVELOPMENT

**Article I General Provisions**

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**§ 179-1 Title and effective date.**

This Chapter shall be known and may be cited as “The Camp Hill Borough Subdivision and Land Development Ordinance.” This ordinance shall become effective upon enactment.

**§ 179-2 Authority.**

This Chapter is adopted pursuant to the authority provided to the Camp Hill Borough under the Pennsylvania Municipalities Planning Code (MPC), Act of 1968, P.L. 805, No. 247, as amended, and shall govern subdivisions and land developments within the corporate limits of Camp Hill Borough.

- A. The Borough Council shall have the authority to approve or disapprove all preliminary and final subdivision and/or land development plan applications as required herein.
- B. The Borough Planning Commission is hereby designated as the agency which shall review and make recommendations on all subdivision and/or land development plan applications as required herein, prior to action on same by the Borough Council.
- C. The Borough Staff shall have the authority to approve or disapprove all minor plans as specified herein.

**§ 179-3 Purpose.**

These regulations are established for the following purposes:

- A. To assist orderly, efficient, and integrated development of land.
- B. To assure sites suitable for building purposes and human habitation.
- C. To provide for the coordination of existing streets and public utilities with new facilities.
- D. To provide for adequate space for traffic, recreation, light, and air.
- E. To facilitate the safe and efficient movement of traffic within the Borough.
- F. To provide for efficient and orderly extension of community services and facilities at minimum cost and maximum convenience.
- G. To promote and to foster the community development goals and objectives, including quality infill, replacement,

redevelopment, and/or adaptive reuse, as identified in the Camp Hill Borough Comprehensive Plan, as amended.

- H. To provide for the proper distribution of population, thereby creating conditions favorable to the health, safety, morals, and general welfare of the citizens of the Borough.
- I. To provide uniform standards and procedures for the administration and processing of all subdivision and/or land development plans.
- J. To guide the future growth and development of the Borough in accordance with the Comprehensive Plan.
- K. To regulate the subdivision and/or land development of land within any designated floodplain district in order to promote the general health, welfare, and safety of the community.
- L. To protect individuals from buying lands which are unsuitable for use because of flood by prohibiting the improper subdivision and/or land development of unprotected lands within a designated floodplain or other areas as may be susceptible to flooding.
- M. To provide for the management of stormwater in coordination with Chapter 174 of the Borough Code.
- N. To assure that adequate easements and rights-of-way are provided for drainage facilities, public utilities, street, and other public improvements.
- O. To encourage and promote flexibility, economy, and ingenuity in the layout and design of subdivisions and land development.
- P. To encourage the use of renewable energy systems and energy conserving building design.
- Q. To affect any additional purposes provided for in Article V of the Pennsylvania Municipalities Planning Code.

#### **§ 179-4 Application.**

- A. The standards for development contained or referenced within this Chapter shall be applicable to any subdivision or land development project within the Camp Hill Borough.
- B. Any plan prepared for the purpose of subdivision or land development for land situated within the corporate limits of Camp Hill Borough, Pennsylvania, shall be submitted in accordance with the provisions contained herein. These regulations shall apply to any proposed land development or subdivision of a lot, as defined herein, whether immediate or future, including the resubdivision or replatting of land or lots.
- C. No street or alley, sanitary sewer or stormwater sewer systems, water line, utility line or other public or private facility in connection with a proposed land development or subdivision or resubdivision of land shall be laid out, constructed, opened or dedicated for public use except in accordance with the provisions of this Chapter and other applicable standards and regulations of the Borough.
- D. Any non-building improvements depicted on an approved preliminary or final plan may be installed prior to the recording of a final plan; however, if the owner/developer records a final plan prior to the improvements having been installed and approved by Camp Hill Borough, an improvement construction guaranty (e.g. bonding) shall have first been submitted to and accepted by the Borough as a condition of recording the plan.
- E. No building permit shall be issued nor shall any connection with or extension to the public water, stormwater and sanitary sewer facilities operated by Camp Hill Borough or duly authorized entity (PA American Water, etc.), be made until unconditional final plan approval of said land development or subdivision has occurred.

#### **§ 179-5 Consistency with Comprehensive Plan.**

Subdivisions and land development plans adopted pursuant to this Chapter shall be consistent with the goals and objectives of the Camp Hill Borough Comprehensive Plan, as adopted or amended by Borough Council.

#### **§ 179-6 Relationship to other laws and regulations.**

In their interpretation and application, the provisions of this Chapter shall be minimum requirements. Wherever the

requirements of this Chapter are at conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the highest standards, shall govern.

#### **§ 179-7 Repealer and Savings Clause.**

The Camp Hill Borough Subdivision and Land Development Ordinance, Ordinance No. 15-1993, as amended, and referenced in the Borough Code as Chapter 179, is hereby specifically repealed, as well as all ordinances or parts of ordinances inconsistent herewith; provided that plans currently filed with the Borough or for which permits have been issued shall be processed and reviewed under the 1993 ordinance, as amended. However, the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue or prosecute, as the case may be, any proceeding at law or in equity, including criminal proceedings, pertaining to any act done which would have constituted a violation of the ordinances or parts of ordinances repealed hereby, or their applicable predecessor ordinances, and all provisions of said repealed ordinances shall remain in full effect and force, and not repealed hereby, as they pertain to said acts.

#### **§ 179-8 Severability.**

Should any section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of this Chapter as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

#### **§ 179-9 Interpretation.**

In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare of the Borough and its residents. Where provisions of this Chapter impose greater restrictions than those of any statute, other ordinance, restriction, or regulation, the provisions of this Chapter shall control. In interpreting the language of this Chapter to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by Borough, in favor of the landowner and/or developer and against any implied extension of the restriction.

#### **§ 179-10 Erroneous Permit.**

Any permit or authorization issued or approved based on false, misleading, or erroneous information provided by the applicant or his/her representative is void without the necessity of any proceedings for revocation. Any work undertaken or use established pursuant to such permit or authorization is unlawful. No action may be taken by a Board, Agency, or employee of the Borough of Camp Hill to validate such action.

Chapter 179: SUBDIVISION AND LAND DEVELOPMENT

Article II Definitions

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§ 179-11 Rules of Interpretation.

- A. General rules of interpretation - The language set forth in the text of this Chapter shall be interpreted in accordance with the following rules:
- (1) Words used or defined in one tense or form shall include other tenses or derivative forms.
  - (2) Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
  - (3) The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.
  - (4) The word “person” includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, organizations, limited liability companies, associations, and any other similar non-public entities.
  - (5) The word “building” includes the word “structure” and shall be construed as if followed by the words “or a part thereof.”
  - (6) The word “lot” includes the words “plot,” “tract,” and “parcel.”
  - (7) The word “watercourse” includes the words “drain,” “ditch,” “channel,” and “stream”.
  - (8) The words “shall,” “must,” and “will” are mandatory in nature and establish an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive.
  - (9) The time within which any act required by this Ordinance is to be performed shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Pennsylvania General Assembly, it shall also be excluded. The word “day” shall mean a calendar day, unless otherwise indicated.
  - (10) Any words not defined in this article or in Section 107 of the Pennsylvania Municipalities Planning Code shall be construed as defined in standard reference dictionary usage or other applicable Camp Hill Borough Ordinance.
  - (11) In case of any difference of meaning or implication between the text of this Chapter and any caption, illustration or table, the text shall control. No caption, illustration or table shall be construed to limit the scope or intent of the text of this Chapter.

§ 179-12 Terms defined

ACCESS DRIVE – A private drive providing vehicular access from a street to a parking and/or loading and unloading area for multifamily dwellings (three or more units in a building on a single lot) or for properties that have a nonresidential use or providing vehicular access between parking areas within a land development.

ADT (Average Daily Traffic) – The average 24-hour volume of vehicles at a given point or section of highway.

**APPLICANT** – A landowner or developer, as hereinafter defined, including his/her heirs, successors, and assigns, who has filed an application for land development and/or subdivision.

**APPLICATION** – A submission of plans and accompanying documentation for subdivision or land development required to be filed and approved prior to the start of construction or development.

**BICYCLE LANE** – A portion of the public right-of-way designated by striping, signing or pavement markings intended primarily for bicycles and separated from motor vehicle travel lanes, parking lanes, and sidewalks.

**BLOCK** – An area of land entirely surrounded by public or private streets, water bodies, railroad rights-of-way, other natural or man-made barriers or any combination thereof.

**BMP (Best Management Practice)** – See definition of “BMP” as set forth in the Camp Hill Borough Stormwater Management Ordinance, Borough Code Chapter 174.

**BUILDING** – A structure used or intended for supporting or sheltering any occupancy. Where the context requires, the word “building” shall be construed as though followed by the words “or parts thereof.”

**BUILDING, ACCESSORY** – A building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building, or structure.

**BUILDING, PRINCIPAL** – A building in which is conducted the principal use of the lot on which the building is situated. Also, any building containing a dwelling unit on the same lot with another principal building shall be deemed a principal building.

**BUILDING FOOTPRINT** – The area of land covered by a building and defined by the location of exterior foundation or building walls.

**BUILDING SETBACK LINE** – See “Setback Line.”

**CARTWAY** – The paved surface of a street or alley available for use by motorized and nonmotorized vehicular traffic.

**BOROUGH** – In the text of this Chapter, the word “Borough” shall refer to Camp Hill Borough, Pennsylvania.

**BOROUGH ENGINEER** – A professional engineer registered by the Commonwealth of Pennsylvania and employed or retained by the Borough and designated as the Borough Engineer.

**BOROUGH SOLICITOR** – An attorney recognized by the Commonwealth of Pennsylvania and retained by the Borough for legal matters.

**BOROUGH TRAFFIC ENGINEER** – A traffic engineer employed or retained by the Borough.

**COMPLETE STREETS POLICY** – The commitment made by Borough Council by adopting the Complete Streets Policy Resolution in April 2016 to incorporate Complete Streets planning, design and operation in future street, sidewalk, and other transportation projects in order to promote design that accommodates safe and convenient travel by all users, including pedestrians, bicyclists, transit riders and motor vehicle drivers, and that incorporates green infrastructure measures, where appropriate.

**COMPREHENSIVE PLAN** – The official public document prepared and adopted by the Camp Hill Borough in accordance with the Pennsylvania Municipalities Planning Code, consisting of maps, charts and textual material, that constitutes a policy guide to decisions about the physical and social development of the municipality and known or referred to as the Camp Hill Borough Comprehensive Plan.

**CONDOMINIUM** – A multiple-unit project (two or more units of occupancy) in which there is a system of separate ownership of individual units, as regulated by the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A. §§ 3101 et seq., as amended, or other applicable laws of the Commonwealth of Pennsylvania.

**CROSSWALK** – A specifically paved or marked path for pedestrians crossing a street, access drive or travel lane.

**CUL-DE-SAC** – A street or alley having one of its ends open to vehicular traffic from another street or alley and

being terminated at the other end, with a vehicle turnaround area.

**DECLARATION** – The instrument by which the owner of property submits the property to the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A. §§ 3101 et seq., as amended, or other applicable laws of the Commonwealth of Pennsylvania.

**DECLARATION PLAN** – A survey of a property prepared in accordance with this Chapter and the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A. §§ 3101 et seq., as amended, or other applicable laws of the commonwealth.

**DEP** – The Department of Environmental Protection of the Commonwealth of Pennsylvania.

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

**DEVELOPMENT** – Physical changes or improvements to land, including but not limited to filling, grading, paving, excavation, drilling operations, dredging, mining, or building of structures. This shall exclude modification of existing structures at the discretion of Borough Staff following a review of proposed modifications.

**DRIVEWAY** – A private drive providing vehicular access between a street and parking area for a single- or two-family dwelling.

**DRIVEWAY APRON** – The area between the sidewalk and the curb of a driveway that provides reinforcement for vehicular traffic while allowing pedestrians to cross at grade from the adjoining sidewalk area.

**DWELLING** – A building or part thereof intended to be occupied as a residence.

**EASEMENT** – An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specified limited purpose.

**ENGINEER** – A professional engineer licensed as such by the Commonwealth of Pennsylvania.

**FLOODPLAIN AREA** – Any land area susceptible to being inundated by floodwaters from any source.

**FLOOD PRONE AREA** – Any area of land subject to flooding due to current soil conditions, topography or relationship to springs, streams, rivers or other water sources, including but not limited to areas known to be susceptible to flooding and/or identified on the Federal Emergency Management Agency Flood Insurance Rate Map for the Camp Hill Borough, or other hydrologic report prepared by the Commonwealth or federal government, or by an individual registered in the Commonwealth of Pennsylvania to perform such studies and which has been approved by an agency of the Borough, County of Cumberland, Commonwealth or United States government.

**GREEN INFRASTRUCTURE** - Stormwater management practices, structural and nonstructural techniques, and site planning practices to mimic natural hydrologic runoff characteristics and minimize the impact of development on water resources.

**HORIZON YEAR** – The anticipated time of full build-out and occupancy of a development.

**IMPROVEMENTS** – Physical changes to the land associated with a subdivision or land development plan, including, but not limited to a building(s) and building additions, structures, streets, gutters, curbs, street lights, signs, water, sanitary and storm sewer mains and appurtenances, stormwater structures, walkways, sidewalks, recreational facilities, open space improvements, shade trees, buffers and landscaping and all other additions to the tract which are deemed necessary to result in a complete project.

**IMPROVEMENTS, BUILDING** – Improvements, as defined above, which pertain to building(s) and building additions.

**IMPROVEMENTS, NON-BUILDING** – Improvements, as defined above, which do not pertain to building(s) and building additions. Including but not limited to streets, curbs, streetlights, signs, etc.

**IMPROVEMENT, PUBLIC** – Improvements for which the municipality may ultimately assume the responsibility

for maintenance and operation, or which may affect an improvement for which municipal responsibility is established.

LAND DEVELOPMENT – Land development shall include:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants or landowners by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. The following development shall be excluded from the definition of land development consistent with Section 503(1.1) of the MPC:
  - (1) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.

LANDOWNER – The legal, beneficial, equitable 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 conditions), a leaseholder (if the party is authorized under the lease to exercise the right of the landowner) or other person having a proprietary interest in land.

LANDSCAPE ARCHITECT – A landscape architect registered by the Commonwealth of Pennsylvania.

LOS (Level of Service) – A qualitative measure used to relate the quality of traffic service and delay.

LOT – A designated parcel, tract or area of land established by a plan or otherwise as permitted by law and to be used, developed or built upon as a unit and having at least sufficient size to meet the minimum requirements of the Camp Hill Borough Zoning Ordinance.

LOT AREA, NET – The land area contained within lot lines, excluding space within all public or private streets or alleys, but including the area contained in any easement and generally expressed in acres or square feet.

LOT FRONTAGE – The frontage of a lot shall be construed to be that portion of the lot adjacent to a public street and abutting the right-of-way.

LOT LINE – A line, generally established by bearings and distances, which, when connected with other lot lines, delineates the boundary of a lot.

MODIFICATION – A process to adjust or vary the requirements of one or more provisions within this Chapter when such modification will not be contrary to the public interest and when, owing to unique physical circumstances or conditions peculiar to the property, a literal enforcement of this Chapter would result in unnecessary and undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.

MPC – The Pennsylvania Municipalities Planning Code, as amended or superseded from time to time.

MS4 (Municipal Separate Storm Sewer System) – A conveyance system owned by the municipality that discharges to waters of the Commonwealth of Pennsylvania that is designed or used to collect or convey stormwater (including pipes, storm drains, ditches, swales, etc.)

OFFICIAL MAP – The map of the Borough showing existing and proposed public streets, alleys, sidewalks, and pedestrian easements, as adopted and amended from time to time by the Borough Council pursuant to MPC Article IV, Official Map.

PLAN – A map or drawing, intended to be recorded in the County Recorder of Deeds office, indicating the development, subdivision or resubdivision of land.

**RIGHT-OF-WAY** – The total width of any land reserved or dedicated as a street, alley, or sidewalk, or for any other public or private purpose.

**SETBACK LINE** – A line drawn parallel with a right-of-way line or lot line and being drawn a distance therefrom by the amount of the front, side or rear yards required by the Borough Zoning Ordinance,.

**SIGHT TRIANGLE OR CLEAR SIGHT TRIANGLE** – A triangle which is established on corner lots or at the intersection of access drives, driveways, parking lot aisles and streets by the placement of two lines of a prescribed length along the right-of-way line of streets or along curbs or edges of paving or aisles, which are then connected by a line forming the triangle, in which no object can be placed which would obstruct vehicular visibility.

**SKETCH-PLAN** – Simplified drawing of a proposed subdivision for the purpose of assisting the developer before extensive site planning and engineering work is completed.

**STAFF** – The professional personnel within Camp Hill Borough and other personnel employed or retained by the Borough participating in the plan review and approval process.

**STORMWATER MANAGEMENT SITE PLAN** – A plan prepared in accordance with the Camp Hill Borough Stormwater Management Ordinance, Borough Code Chapter 174, as amended, with supporting documentation which identifies all existing and proposed facilities for stormwater drainage and control.

**STREET** – A parcel of land intended to be used for motorized and non-motorized vehicular and pedestrian circulation, whether designed as a thoroughfare, thoroughway, highway, parkway, road, avenue, boulevard, lane, alley, place, or however otherwise titled, and including the total right-of-way.

- (a) **ARTERIAL STREETS** – Streets which are used or designed for large volumes of traffic and which are utilized by traffic destined for or through the urban area.
- (b) **COLLECTOR STREETS** – Streets which collect traffic from the minor street system for distribution onto the arterial street system; collector streets also service vehicular traffic circulating within or between various urban neighborhoods.
- (c) **MINOR STREETS** – Streets which primarily provide vehicular access to abutting properties and, generally, feed onto the collector street system.
- (d) **ALLEY** – A minor right-of-way primarily used for vehicular access to the side or rear of a property and which intersects another alley or street.

**STREETSCAPE DESIGN GUIDELINES** – Standards issued by the Borough and used as a guide for the installation of sidewalks, crosswalks, street trees, landscape containers, sidewalk furnishings, lighting, and other streetscape elements within a right-of-way.

**STREET, PRIVATE** – A street or alley which has never been dedicated by the landowner or abutting property owners to the Borough, or a street that has been offered for dedication but never officially accepted by the Borough for placement on the official map.

**STREET, PUBLIC** – A street or alley which has been dedicated to and accepted by the Camp Hill Borough and has been placed on the official map.

**STREET RIGHT-OF-WAY** – See “Right-of-way.”

**STREET TREE** – Any shade tree planted in the right-of-way, including but not limited to between a street curb or cartway and a sidewalk. For the purpose of this Chapter, a street tree shall also include any shade tree located within any properly executed and recorded easement on private property on the side of a sidewalk opposite the street.

**SUBDIVISION** – The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

**SURVEYOR** – A professional surveyor registered in the Commonwealth of Pennsylvania.

**TRAVEL LANE**- A lane of a roadway which is used for travel by vehicles.

**TREE TRENCH** – A system of trees or other landscaping connected by an infiltration system consisting of porous pavers, engineered or structural soil, underdrains or other material designed to capture and infiltrate stormwater runoff.

**UNIT OF OCCUPANCY** – A single residential or nonresidential space within a building that is independent of other spaces by means of vertical and/or horizontal divisions.

**WAIVER** – A grant relief from an ordinance requirement or process.

**ZONING ORDINANCE** – The current Zoning Ordinance, as amended, of the Camp Hill Borough, Pennsylvania.

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Article III Administration and modifications

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§ 179-13 Jurisdiction.

- A. From and after the effective date of this Chapter, any subdivision and/or land development shall be in conformity with this Chapter and all standards and specifications adopted as part of this Chapter. The Borough Council shall have jurisdiction over and control of subdivision and/or land development within the Borough limits. In order that the action of the Borough Council under this Chapter may be correlated with all relevant data and procedures, the Borough Council hereby designates the Borough Planning Commission as the planning agency of the Borough Council:
  - (1) To which all applications relating to pre-application data and sketch plan for major subdivision and/or land development, and subdivision and/or land development plans shall initially be submitted; and
  - (2) With which applicants shall hold all preliminary consultations relating to the plans; and
  - (3) Which shall make recommendations to the Borough Council concerning the interpretation of and the granting of modifications to provisions and standards of this Chapter and to perform such other functions as the applicable laws grant to such agency.
  - (4) Which will make recommendations for approval or denial of Subdivision and/or Land Development plans to Borough Council.

§ 179-14 Action

- A. No lot, tract or parcel of land shall be subdivided and no land may be developed and no street, sanitary sewer, storm sewer, water main or concomitant facility may be laid out, constructed, opened or dedicated for public use or travel or for the use of occupants of buildings abutting or to abut on them, except in accordance with the provisions of this Chapter and other applicable Chapters of the Borough Code and Borough Zoning Code.
- B. No lot in a subdivision and/or land development may be sold, no permit to build, alter or repair any building on land in a subdivision and/or land development may be issued and no building may be erected in a subdivision and/or land development until an unconditional final subdivision and/or land development plan has been approved and recorded in accordance with this Chapter and, where required, improvements have been completed or their completion has been assured by a performance guarantee consistent with the terms of Article V of the Municipalities Planning Code and any other applicable Chapter(s) of Borough Code and Borough Zoning Code.
- C. The scope of this Chapter shall include all matters over which, by law, the Borough is authorized to exercise control by enactment and enforcement of this Chapter, including but not limited to:

- (1) All improvements within any tract undergoing subdivision and/or land development.
- (2) The improvement of public facilities adjacent to any tract undergoing subdivision and/or land development, including streets and drainage facilities which border upon any such tract.
- (3) The installation or enhancement of off-site improvements needed to serve adequately the subdivision and/or land development.

The granting of a permit or the approval of a plan of subdivision and/or land development shall not constitute a representation, guarantee or warranty of any kind by the Borough or by any official, employee, agent or adviser of the Borough as to the practicability, adequacy, functioning or safety of any use, improvement, facility or system installed or maintained pursuant to the aforementioned permit or approval, and such permit or approval shall not create any liability upon the Borough, its officials, employees, agents or advisers.

#### **§ 179-15 Modifications and waivers.**

- A. The provisions of this Chapter are minimum standards for the protection of the public welfare. However, Borough Council shall have the power to modify any provisions of this Chapter as may be necessary in the public interest as follows:
  - (1) Where the developer can show that literal compliance with mandatory provisions of this Chapter is unreasonable or will cause undue hardship, or that an alternative standard will provide equal or better results, Borough Council may modify the strict terms and conditions of the Chapter so that substantial justice may be done and the public interest secured; provided, however, that such modification will not have the effect of nullifying the intent and purpose of this Chapter.
  - (2) In granting modifications and waivers, Borough Council may impose such conditions as will substantially secure the objectives of the standards or requirements so modified or waived.
- B. All requests for modifications to or waivers of Chapter standards shall be in writing, shall include the reasons for requesting a modification or waiver and shall be accompanied by the fee referenced in § 179-19
  - (1) Any request for a modification of § 179-4, which requires formal plan submission and approval, shall be accompanied, if required by the Borough, by a sketch plan in accordance with Article IV§ 179-21.
  - (2) Requests for modifications to Chapter standards shall accompany the plan submission or precede the submission if recommended by staff.
  - (3) The Borough Council may grant a modification of the requirements of one (1) or more provisions of this Chapter, if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Chapter is observed.
  - (4) Any request for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Chapter involved and the minimum modification necessary.
  - (5) Borough Council shall refer the request for modification to the Borough Planning Commission for recommendation comments.
  - (6) In granting modifications, Borough Council may impose such conditions that will, in its judgment, secure substantially the objectives of the standards and requirements so modified.
  - (7) The Borough shall keep a written record of all action on all requests for modifications.

**§ 179-16 Records.**

The Borough shall maintain an accurate public record of all the plans upon which it takes action and of its findings, decisions, and recommendations in relation thereto. Likewise, the Borough shall keep a record of any administrative action it takes with respect to minor subdivision or land development projects.

- A. The Borough shall keep a record of its findings, decision, and recommendations relative to all subdivision and/or land development plans filed with it for review.
- B. Within thirty (30) days after completion and approval of the Borough Engineer of all improvements shown on final plans, and before Borough acceptance of any such improvements, the applicant shall submit to Borough Council a corrected copy of said plans showing actual dimensions and conditions of streets and all other improvements, including sanitary sewers, sewage treatment plants and sewage disposal facilities certified by a professional engineer to be in accordance with actual construction.

**§ 179-17 Amendments.**

The Planning Commission may, from time to time, recommend to the Borough Council the need to amend this Chapter; however, such amendments shall not be in effect until adopted by ordinance of the Borough Council.

**§ 179-18 Interpretation and conflict.**

- A. The provisions of this Chapter shall be held to be minimum requirements. More stringent provisions may be required by other lawfully adopted Borough rules, regulations and ordinances and imposed when it can be demonstrated that different standards are necessary in order to promote the public health, safety, and welfare.
- B. Where the standards imposed by this Chapter are either more restrictive or less restrictive than comparable standards imposed by any other applicable law, ordinance, code, regulation or standard, the more restrictive, higher standard shall apply.

**§ 179-19 Fees.**

The following fees shall be payable to the Borough. A current listing of costs set by resolution from time to time by the Borough Council shall be kept on file in the Borough Office.

- A. Plans
- B. Construction (Plan) - To accompany the application.
- C. Inspection - per day for each day or portion thereof a Borough inspector is engaged on the subdivision and/or land development construction site.
- D. Review fees may include reasonable and necessary charges by the municipality's professional consultants for review and report thereon to the municipality. Such review fees shall be based upon a schedule established by ordinance or resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant for comparable services to the municipality for services which are not reimbursed or otherwise imposed on applicants. Fees charged to the municipality relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an applicant.
  - (1) The governing body shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing in this subparagraph shall prohibit interim itemized billing or municipal escrow or other security requirements. In the event the applicant disputes the amount of any such review fees, the applicant shall, no later than one-hundred (100) days after the date of transmittal of the bill to the applicant, notify the municipality and the municipality's professional consultant that such fees are disputed, and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a subdivision or land development application due to the applicant's dispute over fees. Failure of the applicant to dispute a bill within one-hundred (100) days shall be a waiver of the applicant's right to arbitration of that bill under the applicable sections of the

Pennsylvania Municipalities Planning Code.

- (2) In the event that the municipality's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the municipality shall follow the procedure for dispute resolution set forth in section 510(g) of the MPC, provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.
    - (a) Subsequent to a decision on an application, the governing body shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.
- E. Other Fees - Fees for all other permits required for and by the Borough for opening roads, connecting to Borough sewers, building construction, etc.
- (1) Applicant at the time of application shall agree to cover the cost of advertising, accepting the deed of dedication and its recording, cost of title insurance and registration costs.
    - (a) No application for preliminary or final approval shall be deemed to have been submitted until the fee and escrow deposit, as set forth below, shall have been paid. Failure by the applicant to deliver the funds necessary to meet the escrow requirement within thirty (30) days of receipt of the plans by the Code Enforcement Officer shall constitute good and sufficient grounds for the rejection of the plans as received.
    - (b) A subdivision and/or land development application fee (nonrefundable) and an escrow deposit shall be submitted with any application for preliminary or final plan review and approval to cover the costs of plan review and processing. Amounts of the application fee and escrow deposit shall be fixed by Borough Council by resolution. The escrow funds shall be used to reimburse the Borough for actual expenditures incident to these processes, including but not limited to fees of the Borough Engineer and other professionals deemed necessary by the Borough and legal fees in excess of the fee for review of the Borough standard forms. Any costs incurred by the Borough in excess of the amount held in escrow shall be fully reimbursed by the applicant prior to the issuance of any permits. Any unexpended balance in the escrow deposit shall become part of the second deposit required in subsection (c) below.
    - (c) Following final plan approval and recording and the establishment of any required performance guarantee, a second escrow deposit shall be established to cover the cost of inspections of improvements construction; materials or site testing; or maintenance costs (e.g., snow removal, cindering, street sweeping, etc.) prior to the acceptance of improvements by the Borough. Any costs incurred by the Borough in excess of the amount held in escrow shall be fully reimbursed by the applicant. Any unexpended balance in the escrow deposit following acceptance or dedication of improvements by the Borough shall be returned to the applicant after the submission of record drawings. The amount of the escrow deposit shall be fixed by Borough Council by resolution. This escrow deposit may be waived by the Borough where the proposed development will not include the construction or installation of any public improvements.

#### **§ 179-20 Contract Required.**

Before the Borough Council shall cause its approval to be endorsed upon the final plans of any subdivision and/or land development and as a requirement for the approval thereof, the owners shall enter into a written agreement with the Borough in the manner and form set forth by the Borough Solicitor wherein they shall agree:

- A. To construct, or cause to be constructed, at his own expense, all streets, curbs, sidewalks, drainage facilities, street signs, monuments, capped sewer, parks and other improvement shown on said plan when required so to do, in accordance with the plan(s), as finally approved.
- B. To maintain at his own cost the streets, curbs, capped sewers, and other improvements until same are accepted or

condemned by the Borough for public use and for a period of eighteen (18) months thereafter to repair and reconstruct the same or any part or one of them when such repairs or reconstruction shall be specified, by the Borough Council, as necessary by reason of faulty construction, workmanship, or materials, and at or before acceptance of such improvements by Borough Council, and to be in such amount as may be required by Council, a bond to be in a form to be approved by the Borough Solicitor, and conditioned upon the repair and reconstruction of such improvements as above set forth.

- C. To install or cause to be installed, at his own expense and without any cost to the Borough for any part of such installation, street facilities on all streets within and abutting the subdivision and/or land development.
- D. To pay all costs, charges or rates, of the utility furnishing electric service for the lighting of the streets on or abutting said subdivision, from the lights installed by the owner, until such time as the streets shown on the subdivision plans shall be accepted as public streets of the Borough by ordinance after receipt of the deed of dedication from owner, and to indemnify and save harmless the Borough from and against all suits, actions, claims and demands for electric service to the streets shown on said plans, or any part thereof, to the time that the said streets shall be accepted as public streets of the Borough in the manner hereinabove set forth.
- E. To pay the inspection fees required by § 179-19.
- F. To obtain the easements and releases required by this Chapter.
- G. To promptly reimburse to the Borough reasonable legal, engineering, and professional consultant fees as specified in this Part.

Chapter 179: SUBDIVISION AND LAND DEVELOPMENT

Article IV Pre-Application Conference and Sketch Plan

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**§ 179-21 Purpose.**

The pre-application sketch plan process is intended to provide informal opportunities to discuss issues related to design, function, conformity with codes, compatibility with the Comprehensive Plan and plan processing procedures, public meeting dates and other requirements prior to formal submission of the plan. Where pre-application sketch plan review by the Planning Commission occurs, interested citizens will have the opportunity to comment at the Planning Commission’s public meeting, and the Planning Commission may provide input to other boards and commissions of the Borough that will be involved in the review process. The Preliminary Plan approval process may then be able to proceed more efficiently.

**§ 179-22 Pre-application conference.**

- A. At the request of the applicant, a pre-application conference shall be scheduled to allow the applicant to meet with appropriate representatives of the Borough. Representatives may include, but not be limited to, Borough staff, Public Works staff, Zoning Officer, Fire Marshal, Building Official, Bureau of Police, and Planning Commission representative.
- B. Applicants seeking a pre-application conference are encouraged to submit the information stipulated in § 179-24 at least 10 days prior to the conference meeting in order to allow time for staff to review the application and identify issues that will be discussed with the applicant.
- C. The applicant and Borough shall not be bound by the results of any pre-application plan review. Summary of the Pre-application should be provided in writing to the Planning Commission by Borough Staff prior to the next regularly scheduled Planning Commission Meeting.
- D. A pre-application conference shall precede a minor plan submission for a proposed land development or subdivision, as per Article V§ 179-25.

**§ 179-23 Sketch plan review by Planning Commission.**

- A. In addition to or as an alternative to the pre-application conference, the applicant or Borough may request that the Planning Commission review a sketch plan of any proposed subdivision or land development during a regularly scheduled meeting.
- B. The applicant and Borough shall not be bound by the results of any sketch plan review.

**§ 179-24 Sketch plan review requirements.**

Three copies of the following information shall be submitted with an application for sketch plan review:

- A. A brief narrative detailing:
  - (1) An overview of the project.

- (2) Existing and proposed land use/units of occupancy.
  - (3) Existing and proposed stormwater facilities and geologic conditions if known.
  - (4) Existing deed restrictions or easements affecting the site.
  - (5) Street/alley improvements or amendments to the official map.
  - (6) Anticipated traffic and parking impacts.
  - (7) Significant environmental, topographical, and man-made features.
  - (8) Any information unique to the project which will aid in understanding the scope of the project.
- B. A sketch plan drawn to scale showing the following if applicable:
- (1) Property address and ownership.
  - (2) Person or firm preparing the drawing.
  - (3) Zoning district with site data, e.g., lots, units, parking, etc.
  - (4) Municipal boundary line on or immediately adjacent to property.
  - (5) A North arrow.
  - (6) Layout of existing and proposed lots, buildings, and proposed demolition.
  - (7) Existing and proposed sidewalks and bicycle lanes or other accommodations for pedestrians and bicyclists.
  - (8) Existing and proposed parking, access drives and driveways, bicycle and pedestrian facilities, and other paved areas.
  - (9) Approximate location of 100-year floodplain boundaries.
  - (10) Approximate locations of wetlands.
  - (11) Existing and proposed streets and alleys which will provide access to the site.
  - (12) Conceptual landscaping and identification of loss of existing tree cover.
  - (13) Areas to be regraded and existing or proposed stormwater improvements.
  - (14) Existing and proposed utility mains and existing and proposed utility laterals if known.
  - (15) Impacts to curb, sidewalk, street improvements, utility poles, traffic signals or public infrastructure.
  - (16) Any information unique to the project or information requested for placement on the plan in order to facilitate review.
  - (17) Required design waivers/modifications or variances.

Chapter 179: SUBDIVISION AND LAND DEVELOPMENT

Article V Minor and Preliminary Plan Procedures and Requirements

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§ 179-25 Minor plan submission and recording requirements

- A. A minor plan shall be submitted for a proposed subdivision following a pre-application conference with Borough staff, as per Article IV§ 179-22, and in accordance with the following requirements.
  - (1) A minor plan shall have all of the required plan information of a final plan. In addition, the plan will contain the appropriate recording certificates, including plan preparer certificates of accuracy, property ownership certificate, and Cumberland County Planning Department review.
  - (2) Minor plans shall be submitted to the Borough, which will obtain review comments of other Borough staff as needed during a 45-day review and comment period following plan submission.
  - (3) Applicants submitting minor plans shall provide evidence of zoning approval or shall have filed an appeal to the Zoning Hearing Board for any necessary approvals. Unconditional approval of a minor plan shall not be granted prior to the issuance of zoning approvals.
  - (4) All accepted applications shall be reviewed and receive unconditional approval, conditional approval, or denial within 45 calendar days of plan submission. An exception to the 45-day stipulation for the Borough may occur only when the applicant has agreed in writing to an extension of time.
  - (5) The applicant shall have one year to meet any conditions of plan approval. Failure to submit a revised plan which complies with all conditions within the aforesaid time period shall serve as a rejection of the conditions by the applicant and serve to automatically rescind the plan approval.
  - (6) Upon determination that all conditions of conditional approval have been met, Borough staff shall advise the applicant that the minor plan conditions have been satisfied and that the plan may be recorded, as appropriate, upon Borough staff’s signing of the plans. After the Borough staff grants unconditional approval, or the conditions of approval have been satisfied, and the plan is signed by Borough Manager or Codes Enforcement Officer, the applicant shall present the plan to the Cumberland County Planning Department for approval signatures. Upon securing all approvals, the applicant shall, within 90 days of such final approval or 90 days after the date of delivery of an approved plan signed by the Borough staff following completion of conditions imposed for such approval, whichever is later, record such plan in the office of the Cumberland County Recorder of Deeds. Failure to record the plan within this time period shall cause the Borough staff’s approval to become null and void, unless an extension of time has been requested by the applicant in writing and granted.
- B. Minor Plans will be processed by Borough staff and not the Council. In order for the Borough to accept an application as a minor plan, the applicant must attend a pre-application conference with Borough staff. Borough staff may require a standard preliminary plan submission in place of a minor plan submission when conditions warrant it. For a plan to be considered “minor,” it must meet one of the following criteria:

- (1) The resubdivision of a lot for the purpose of correcting existing errors associated with a legal description.
  - (2) Changes to lot lines for the purpose of correcting existing encroachments caused by fences, driveways, landscaping, or buildings.
  - (3) Creation of a subdivision/lot add-on plan where the change to a lot line is in conformity with provisions of the Borough Zoning Ordinance, or where Zoning Hearing Board approval has been granted involving changes to a lot line and where no additional lot is being created.
  - (4) Minor adjustments to easements and street rights-of-way.
- C. Subdivision or land development applications that request a waiver or modification from the Subdivision and Land Development Ordinance shall not be eligible for the minor plan review process.
- D. The following plan processing requirements shall be followed when submitting a minor plan:
- (1) The Borough submittal shall consist of nine (9) paper copies of the plan, one copy of which shall be signed by the landowner as per § 179-28, nine (9) copies of any reports or supplemental information, a completed Borough plan application and plan application fee. A digital copy of all submitted documents shall be submitted in a format acceptable to the Borough.
  - (2) The County submittal shall be in accordance with Cumberland County Planning Department requirements.
  - (3) Upon satisfying any comments provided by the Borough, the applicant shall provide signed and sealed drawings consisting of one mylar and three paper sets of plans along with two copies of any documents which are to be recorded. A digital copy of the plan shall be submitted in a format acceptable to the Cumberland County Planning Department. Digital copies of the plan and documents to be recorded shall also be provided to the Borough.
- E. The minor plan process shall not obligate the Borough to mail written comments or notices as would be the case for plans reviewed by the Planning Commission or Council. The signing of the plan by Borough Staff on the approved plan will serve as notification of plan approval and satisfaction of all conditions.
- F. An update of all processed minor plans shall be provided to the Planning Commission at every regularly scheduled meeting.

#### **§ 179-26 Preliminary plan submission procedures.**

- A. At the time of submission of a preliminary plan to the Borough, the applicant shall submit the plan to Cumberland County Planning Department with the required Cumberland County Planning Department application form and fee. The applicant shall also submit the plan to other relevant regulatory agencies for review and comment. No action on the preliminary plan shall be taken by the Council until the Cumberland County Planning Department report has been received or until the expiration of 30 days from the date the application was forwarded to the Cumberland County Planning Department. All accepted applications shall be reviewed, and final action taken by the Council within the time frame as established by the PA Municipalities Planning Code. An exception to these requirements for the Council to take final action occurs only when the applicant has agreed in writing to grant an extension of time.
- B. The steps below shall be followed during the preliminary plan process:
- (1) Only applications consisting of the following shall be accepted:
    - (a) Borough review – An electronic copy and nine (9) or more paper copies of the plan, one copy of which shall be signed by the landowner as per § 179-28, nine (9) copies of all reports, and nine (9) copies of any executive summaries of reports shall be submitted to the Borough. A completed application form and a fee in accordance with the fee schedule adopted by resolution of Borough Council shall be submitted. If the subdivision or land development involves the construction, modification, or vacation of a street, one additional copy of the plan shall be submitted. A digital copy of all submitted documents shall be submitted in a format acceptable to the Borough.

- (b) Within ten (10) business days of when an application is received by the Borough, the Borough staff shall review and certify the preliminary application as substantially complete and accepted or incomplete and rejected. Within said time, the Borough shall notify the applicant in writing if the preliminary application is incomplete and rejected, stating the deficiencies in the application and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
  - (c) The preliminary plan shall be placed on the agenda of the next regular meeting of the Planning Commission, provided that the application has been filed at least thirty (30) calendar days prior to the next meeting.
  - (d) Copies of the prints and pertinent supplementary data shall be distributed to the following agencies for appropriate review and recommendations:
    - (i) Borough Planning Commission
    - (ii) Borough Engineer
    - (iii) Borough Solicitor
    - (iv) Borough staff such as the Public Works Director, Fire Marshal, sewer and/or water utilities, and other technical consultants as needed.
    - (v) Other cognizant agencies, such as the School Board, if deemed advisable.
  - (e) Cumberland County Planning Department review – Copies of the plan, reports and filing fee shall be in accordance with Cumberland County Planning Department requirements.
- C. The Borough Planning Commission shall review all preliminary applications. In order to be considered at a Planning Commission meeting, the complete preliminary application (complete status determined by Article V§ 179-28) must have been received and accepted as substantially complete by the Borough at least 30 calendar days prior to the Planning Commission Meeting.
- (1) Upon completion of its review of the Preliminary Plan, which should include consideration of the timely recommendations of the Borough Engineer, Cumberland County Planning Department, and other technical advisors when requested, the Planning Commission shall communicate its recommendations to Borough Council.
  - (2) The Planning Commission shall make a written recommendation to Borough Council for approval, approval subject to conditions, or disapproval of the preliminary application setting forth the reasons for the recommendations.
- D. Borough Council shall have a ninety (90) day time-period to act on the plan unless the applicant has agreed in writing to grant an extension of the time period, as permitted by the PA Municipalities Planning Code.
- (1) The ninety (90) day time-period shall be measured from the date of the Planning Commission meeting following the date the application was filed and accepted as complete by the Borough, provided that the application was filed at least 30 days prior to said meeting. Should the meeting occur more than 30 days following the date the application was filed and accepted as complete, the said 90-day period shall be measured from the 30th day following the date the application was filed.
  - (2) If an extension of the ninety (90) day time-period is applied, it shall be measured from the expiration of the original ninety (90) day period. A time extension shall postpone the deadline and effects of the ninety (90) day time-period for the additional number of days agreed to in writing prior to the last scheduled Borough Council meeting within the ninety (90) day plan review period.
  - (3) Borough Council shall consider the Preliminary Plan application at one or more of its public meetings during the 90 day time period, and/or extension thereof if applicable, and shall render a decision on the plan following receipt of the recommendations of the Planning Commission, Borough Engineer, Cumberland County Planning Department, and/or other technical advisors as requested.

- (4) Borough Council shall not approve a preliminary application until the Cumberland County Planning Department report of its recommendations is received, or until the expiration of 30 days from the date the application was forwarded to the County.
- (5) The final action of the Borough Council shall be in writing and shall be communicated to the applicant and other known interested parties personally or mailed to same at their last known address not later than 15 days following the Borough Council's action. Failure to notify the applicant within the prescribed time limit shall be deemed an approval of the application in terms as presented, unless the applicant has agreed, in writing, to an extension of time or change in the prescribed manner of presentation of communication of the decision. The written communication shall note one of the following actions:
  - (a) Unconditional approval;
  - (b) Conditional approval, including but not limited to required changes pertaining to the plan and/or submission of additional technical reports on impacts caused by the development, as required by the Borough Council, the reason for the conditional approval, and the provisions of the statute or ordinance relied upon; or
  - (c) Disapproval, including the defects found in the application, the requirements that have not been met, proposed mitigation measures for negative impacts identified in impact studies or reports that have been determined to be inadequate and changes in plans and specifications that would cause the Borough Council to determine that mitigation measures are adequate, and the provisions of the statute or ordinance relied upon.
- (6) Unconditional approval authorizes the applicant to proceed with the preparation of the final plan.
- (7) When the Borough Council grants conditional approval of a plan, the following procedure shall be applicable:
  - (a) When a preliminary plan has been approved subject to conditions, and when the applicant rejects one or more of the conditions, the applicant shall so notify the Borough Council in writing within 30 days of the Borough Council's action. Such notification of rejection of one or more of the conditions of approval shall serve to automatically rescind the conditional approval of the plan. Failure of the applicant to notify the Borough Council of rejection of one or more of the conditions of approval within the time so specified shall serve as notice of acceptance of the conditions of approval and that the applicant intends to fully comply with the conditions unless such conditions are invalidated by final order of court upon appeal thereto by the applicant.
  - (b) If the applicant and the Borough Council agree to additional conditions of preliminary plan approval, all such conditions shall be embodied in a developer's agreement entitled "Preliminary Plan Developer's Agreement," which lists the agreed upon conditions. Acceptance or rejection of the Preliminary Plan Agreement shall be done in accordance with the procedures set forth in § 179-26.
  - (c) Upon receiving a conditional approval, the applicant shall have one year from the date of the Borough Council's conditional approval to submit two copies of a revised plan which complies with all conditions, including compliance with all conditions agreed to by the applicant in any agreement(s). The Borough Council may grant a modification to extend the time period for plan approval upon written request by the applicant. Failure to submit a revised plan which complies with all conditions within the aforesaid time period shall serve as a rejection of the conditions by the applicant and serve to automatically rescind the plan approval.
- (8) Upon determination that all conditions of the Borough Council's conditional approval have been met, the Borough shall transmit a written notification to the applicant indicating that the preliminary plan conditions have been satisfied and that the applicant may proceed with the final plan application.
- (9) Upon disapproval of the plan, the applicant may resubmit the plan. A resubmitted plan shall be considered and reviewed as a new plan in accordance with this § 179-26.

- (10) A preliminary plan which has been tabled prior to final action shall be reviewed in one of the following manners:
- (a) Any preliminary plan which, in the opinion of the Borough Council or Borough Planning Commission, cannot be adequately reviewed due to, but not limited to, a lack of information or nonconformity with existing federal, state or local regulations, may be tabled. Any plan tabled during the Borough Council's 90-day review and approval period shall be rescheduled for final action within the same aforementioned 90-day period. If the applicant must provide supplemental information for a tabled plan, this information shall be provided to the Borough no later than 10 days prior to the Borough Council meeting when the plan will be reconsidered.
  - (b) An applicant may request in writing to the Borough Council that the plan be tabled. Plans which are tabled by the Borough Council shall be rescheduled for final action within the Borough Council's 90-day review and approval period unless the applicant has agreed, in writing, to an extension of time.
- (11) An applicant may withdraw a plan from the Borough Council's consideration by means of written communication to the Borough Council; however, fees for plans which are withdrawn shall not be returnable nor credited toward any resubmitted plans. An applicant desiring to resubmit a plan shall do so in accordance with this § 179-26.
- (12) From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this Chapter, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan 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 the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is denied, any subsequent application shall be subject to the intervening change in governing regulations.
- (13) When an application for approval of a plan, whether preliminary, minor, or final, has been approved without conditions, or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely 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 years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plan. In the event of an appeal filed by any party from the approval or disapproval of a plan, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired; provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application. Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- (14) Where the applicant has substantially completed the required improvements as depicted upon the final plan within the aforesaid five-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 plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.
- (15) In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, a

schedule shall be filed by the applicant with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan 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 plan approval, until final plan 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.

(16) Each phase in any residential subdivision or land development, except for the last phase, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Borough Council. Provided that the applicant has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with applicant's aforesaid schedule of submission of final plans for the various phases, then the aforesaid protection afforded by substantially completing the improvements depicted upon the final plan within five (5) years shall apply and for any phase or phases, beyond the initial phase, in which the required improvements have not been substantially completed within the said five-year period, the aforesaid protection shall apply for an additional term or terms of three years from the date of final plan approval for each phase.

(17) Failure of applicant to adhere to the aforesaid schedule of submission of final plans 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.

#### **§ 179-27 Plan validity.**

The applicant shall have two years from the date of the Council's conditional or unconditional approval of a preliminary plan in which to submit a final plan unless the applicant requests in writing and the Council approves an extension of time. In the case of phased projects, all plan submissions must occur within the five-year time period noted in § 179-26. Failure by the applicant or developer to comply with all conditions that have been accepted by the applicant within one year of conditional approval of a final plan shall serve to rescind the approval of the plan, as set forth in § 179-26.

#### **§ 179-28 Minor and preliminary plan specifications and data.**

- A. The preliminary or minor plan shall be drawn to a scale of one inch equals 10, 20, 30, 40 or 50 feet, and shall be easily read and suitable for recording. In addition, for sites over ten acres, an overall plan with a plan index sheet at scale of one inch equals 100 feet shall be used, unless otherwise approved by the Borough Engineer.
- B. Plans sheets shall be 11 by 17 inches or 24 by 36 inches. Sets of plans shall contain sheets of the same size.
- C. The plan submission shall contain the number of drawings or reports as specified in § 179-25. Plan sheets shall be black line on white print paper.
- D. The Minor plan and supplemental information shall include the following information listed in § 179-28.E(1) (a) – (j), E.(2) (a) – (g), E.(3) (a) – (q), E.(6), E.(7)(a), and E.(8) (d) & (e).
- E. The Preliminary plan and supplemental information shall include the following information:
  - (1) Title block.
    - (a) Proposed subdivision or land development name or identifying title.
    - (b) Municipality or municipalities in which the plan is situated.
    - (c) Deed reference.
    - (d) Name and address of record owner or owners.
    - (e) Name and address of applicant.
    - (f) Name and address of engineering, surveying, or landscape architectural firm.
    - (g) Date of preparation of plan.

- (h) Drawing number.
  - (i) Parcel identification number.
  - (j) Revision block for noting date of plan changes.
- (2) Site data.
- (a) Minimum lot area.
  - (b) Number of lots or units of occupancy.
  - (c) Number of acres.
  - (d) Density of tract expressed in dwelling units or lots per acre, or units of occupancy per acre.
  - (e) Zoning of lots and zoning data including but not limited to setbacks, building height, minimum lot area and lot dimensions, existing and proposed building, and impervious lot coverage percentage, existing, proposed and required parking/loading.
  - (f) Existing land usage.
  - (g) Proposed land usage.
  - (h) Areas of slopes greater than 10% and 15%, woodlands as defined in Article IX§ 179-53, and trees of significant size.
  - (i) Total area of proposed earth disturbance.
  - (j) Drainage area to each BMP in square footage or acres.
- (3) General data.
- (a) Location map at a scale not to exceed one inch equals 2,000 feet, including a North arrow.
  - (b) A North arrow for the land shown on the land development or subdivision plan.
  - (c) Graphic scale.
  - (d) Certification, with seal, of the survey accuracy by a registered Pennsylvania surveyor and date of survey.
  - (e) Certification, with seal, of the plan accuracy by a registered Pennsylvania engineer or landscape architect and date of plan preparation.
  - (f) Ownership certificate, signed by the landowner of the subdivision or land development and acknowledged by a Notary Public, including seal.
  - (g) Proposed lot lines, including block letters and lot numbers.
  - (h) Tract and lot boundaries showing arcs, chords, bearings, and distances.
  - (i) Existing and proposed survey monuments and markers.
  - (j) Primary control points or descriptions and ties to such control points, approved by the Borough Engineer, to which all dimensions, angles, bearings, and similar data on the plan shall be referred.
  - (k) Adjacent owner or owners, including all applicable Recorder of Deeds recording references for deeds and filed plans.
  - (l) Minimum building setback lines as per Borough Zoning Code.
  - (m) Zoning on and adjacent to the tract.
  - (n) Location of utility/transportation/communication uses on or adjacent to the tract: railroad rights-of-way, transmission power lines, towers, and other similar conditions.

- (o) Proposed street tree locations.
  - (p) If modifications, waivers, variances, special exceptions, or special approvals are granted by boards or commissions of the Borough for a plan or elements thereof, the aforementioned shall be noted on the plan along with the date of the approval.
  - (q) For proposed addresses of individual lots or units, the developer shall request, in writing, the assignment of street numbers or addresses from the Borough. Assigned addresses and unit numbers shall be shown on the recorded plan.
  - (r) Existing topographic contours at intervals of two feet with spot elevations at relevant points, based on the official datum or other approved elevation, except that the intervals shall be one foot in and within 50 feet of special flood hazard areas. Prominent high points and depressions shall be indicated by spot heights.
  - (s) Sites to be reserved or dedicated for parks, playgrounds or other open space uses.
  - (t) Off-site improvements to be undertaken as a result of project impacts.
  - (u) Traffic control devices.
  - (v) Proposed stormwater improvements and facilities in accordance with Chapter 174, Stormwater Management.
  - (w) Certification, with seal, of the accuracy of the accompanying stormwater management site plan, traffic control plan or other proposed improvements, if not covered by the Certificate of Plan Accuracy, by a registered Pennsylvania engineer, traffic engineer or other professional and date of plan preparation.
- (4) Impact studies and reports.
- (a) Purpose. Projects which have the potential of affecting public health, safety and welfare and impacting environmental resources may require impact studies or reports. The intent of impact studies and reports is to identify possible adverse effects of a subdivision or land development, mitigate negative effects of development, and protect the quality of life and the environment from degradation.
  - (b) Thresholds for impact studies. The following impact studies shall be required as part of the preliminary plan submission when the stated thresholds are met:
    - (i) Traffic impact study. The proposed project will generate 50 new vehicle trips in the peak direction (inbound or outbound) during the site's peak traffic hour, unless the project is exempt, as provided for in Article VIII§ 179-50.
    - (ii) Floodplain impact study. The proposed project will cause or require earth moving, any change in flood levels, paving or construction within the 100-year or approximate floodplain, as defined by the current Federal Emergency Management Agency Flood Insurance Rate Map.
    - (iii) Wetland impact study. The project site contains a wetland subject to regulation by DEP or the United States Army Corps of Engineers and proposed improvements would physically encroach upon the wetland or discharge stormwater from parking and loading areas into the wetland.
    - (iv) Stormwater Management Site (SWM) plan. The proposed project will require submission of a SWM plan in accordance with Borough Code Chapter 174, Stormwater Management.
    - (v) Geology impact study. The project site exhibits evidence of subgrade instability, such as sinkholes or other subsidence.
    - (vi) Environmental impact report. The project could have potential negative environmental impacts, in regard to wildlife habitats, riparian vegetation, hazardous material storage, noise or other environmental qualities. This report will be required unless otherwise waived by the Borough.

- (5) Preparation of studies or reports. Impact studies or reports shall be performed by individuals with education and experience in the field of study. The study shall identify current conditions, effects of the proposed development, and recommended mitigation measures and their effects. Traffic/transportation impact studies shall be undertaken in accordance with Article VIII§ 179-48.
  - (a) Mitigation measures. Impact studies or reports shall identify improvements, facilities, activities or alternative measures to reduce any identified detrimental impacts of the development and to satisfy any requirements set forth in this Chapter or in federal, state or other local statutes, ordinances or regulations.
  - (b) Responsibility. The applicant shall be responsible for conducting and paying for all studies relative to the project. Improvements and mitigation measures identified in the study, offered by the applicant, or required by the Council shall be the responsibility of the applicant.
- (6) Streets, alleys, sidewalks, access drives and driveways based on the official datum, as per the Borough Engineer.
  - (a) Grades consistent with Article VII§ 179-37 for all streets and alleys, and modified, if necessary, as per recommendations of the Borough Engineer.
  - (b) Existing and proposed streets and alleys dimensioned to full right-of-way width on and adjacent to the tract, street names, dimensioned cartway widths, established centerline elevations, curbs, curb type, sidewalks, curve data, access drives, driveways, culverts and associated street improvements.
  - (c) The horizontal scale shall match the plan scale. The vertical scale shall be at 1/10<sup>th</sup> the horizontal scale. Profiles shall show existing and proposed utility crossings. Centerline profiles of proposed streets shall be drawn to a horizontal scale no smaller than one inch equals fifty feet and a vertical scale no smaller than one inch equals five feet with profiles showing the following:
    - (i) Vertical curve elevations at beginning of curve, end of curve, intersection of tangent lines and intermediate points at intervals of 25 feet.
    - (ii) Sanitary sewer facility profiles with elevations and slopes.
    - (iii) Storm sewer facility profiles with elevations and slopes.
    - (iv) Water facility profiles with elevations and slopes.
  - (d) Cross-sections extending 50 feet on both sides of the street centerline at one-hundred-foot intervals.
  - (e) Typical cross-section detail of street and any other cross-section of the street which may be required by the Borough Engineer.
  - (f) Proposed highways or other improvements planned by public authorities for future construction on or near the tract.
- (7) Utilities and easements.
  - (a) Existing and proposed easements: location, width, and purpose.
  - (b) Existing and proposed utilities, both above and below ground, where possible, on and adjacent to the tract, including but not limited to: culverts; location, materials, and size of sanitary sewer, sanitary laterals, storm sewer, and storm laterals; invert elevation of sanitary, storm and combined sewer mains; location and size of water mains, water laterals and appurtenances, gas and fuel lines; and location of existing electric and telephone poles, including streetlights, communication lines and geothermal lines.
  - (c) Evidence, via a water capacity letter, that public water shall be provided to the subdivision or development by the appropriate municipal agency or authority.
  - (d) Submission of a planning (sewer) module or module exemption to DEP, if required.
  - (e) The addition of a plan note evidencing a Pennsylvania One-Call Act 38 Request, including the serial

number.

- (8) Floodplains, wetlands, and hydrology.
  - (a) Hydraulic study showing complete drainage area in which the plan is proposed, together with calculations upon which the storm drainage system is based.
  - (b) Representative cross-sections and profiles of all drainage ditches, infiltration/detention/retention facilities.
  - (c) Stormwater conveyance systems.
  - (d) On all subdivisions and land developments located in or adjacent to a flood prone area, the plan shall show the 100-year, and if required by Article VII § 179-43, the 500-year, floodplain as designated on the Flood Insurance Rate Map for the Borough as prepared by the Federal Emergency Management Agency. Should the Flood Insurance Rate Map not include flood prone area information for a site known to be susceptible to flooding, the developer shall rely on local information acceptable to the Borough Engineer and Borough staff, or perform a separate hydrological/stormwater management study.
  - (e) Wetlands and watercourses.
- (9) Soils, geology, and physical features.
  - (a) Subsurface conditions on the tract if individual stormwater or sewage disposal systems are proposed: location and results of percolation tests; location and results of tests made to ascertain subsurface soil, rock and ground, water conditions.
  - (b) Existing conditions on the tract: rock outcrops; wooded areas; buildings; riparian buffers; tree protection zones and related physical features.
  - (c) Boring data and soil characteristics, if required.
  - (d) Environmental data related to the possible presence of hazardous material on or immediately adjacent to the site, if required.
  - (e) Existing and proposed retaining walls; existing structures with indication as to the proposed utilization or removal of the structures; and identification of proposed structures.
- (10) Grading and earth moving.
  - (a) Existing and proposed grades at two-foot contours or as otherwise approved by the Borough with reference to official datum or other approved elevation.
  - (b) For projects greater than 5,000 SF of earth disturbance, a Soil Erosion and Sediment Control (E&SC) Plan as outlined in Title 25, Pennsylvania Administrative Code, Chapter 102, Section 101.1, et seq., and administered by DEP, or its designee, shall be prepared. Such plan shall be capable of functioning independently or in conjunction with adjacent erosion control measures and facilities. The E&SC Plan shall be approved by the Cumberland County Conservation District prior to commencement of any earthmoving activities. For projects involving earth disturbance of less than 5,000 SF, a plan shall be prepared for Borough approval in accordance with the PA DEP Erosion and Sediment Control Program Manual Document 363-2134-008, dated March 2012, as amended, demonstrating how the discharge of sediment and runoff will be controlled on site. Such plan shall include location and type of control facilities, existing and proposed grading, location of soil stockpile, construction entrance and a sequencing narrative outlining specific measures to be taken at each phase of site development.
- (11) Landscaping.
  - (a) Landscape plans and Tree Preservation Plan, when required by this Chapter Article IX, Zoning Ordinance, or offered by the applicant, shall include a planting schedule and show locations, size and name of all

trees, shrubs, vegetative screens and ground cover existing and proposed to be installed in the development.

(12) Street lighting and private property lighting.

- (a) Street lighting shall be provided by the developer. The Council may require that private street or parking lot lighting be installed in the interest of public safety. The developer shall prepare appropriate lighting plans, which plans shall be reviewed by the electric utility company (in the case of streetlights), Borough Engineer and Planning Commission.
- (b) When outdoor lighting is proposed or required for streets, dwelling units, commercial, industrial or recreational uses, the illumination levels, fixture locations and shielding shall generally follow the levels recommended in the Borough's Streetscape Design Guidelines, Illumination Engineering Society of North America (IESNA) Lighting Handbook and the Outdoor Lighting Code Handbook of the International Dark-Sky Association and the standards established in Article VII§ 179-41.
- (c) Lighting, when proposed, shall provide for the illumination of outdoor public and private spaces where health, safety and welfare are potential concerns. Lighting shall be placed, shielded, and aimed so as to avoid glare and protect the night sky from nuisance glare and stray light.

**§ 179-29 Construction of improvements.**

- A. Upon unconditional approval of the preliminary plan or satisfaction of all conditions of plan approval in accordance with this Chapter, the applicant may construct the required public or private improvements shown on the plan. The applicant shall indicate the intent to construct the required improvements by executing a Preliminary Plan Developer's Agreement, which shall be submitted prior to approval of the preliminary plan.
- B. No lots shall be occupied or sold, nor any buildings constructed or occupied without the unconditional approval and recording of the final subdivision and/or land development plan.

Chapter 179: SUBDIVISION AND LAND DEVELOPMENT

Article VI Final Plan Procedure and Requirements

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§ 179-30 Unconditional plan approval preceding Borough permits.

No building/demolition permit or building certificate of occupancy shall be issued prior to the unconditional approval of a final land development or subdivision plan or a minor plan processed in accordance with Article V§ 179-26 and the satisfaction of all conditions of plan approval in accordance with this Chapter. In addition, copies of the plan and related documents to be recorded by the applicant shall first be signed by the appropriate Borough staff or approval body prior to receiving any permits to commence work as proposed on the plan.

§ 179-31 Final plan submission procedures.

A. At the time of submission of a final plan, the applicant shall submit the plan to the Cumberland County Planning Department with the required Cumberland County Planning Department application form and fee. The applicant shall also submit the plan to other relevant agencies for review and comment. No action on the final plan shall be taken by Borough Council until the Cumberland County Planning Department report has been received or until the expiration of 30 days from the date the application was forwarded to the Cumberland County Planning Department. All accepted applications shall be reviewed, and final action taken by the Council within the time frame as established by the PA Municipalities Planning Code. An exception to these requirements for the Council to take final action occurs only when the applicant has agreed in writing to grant an extension of time.

B. The following steps shall be followed during the final plan process:

(1) Applications shall consist of the following:

- (a) Borough review: An electronic copy and a minimum of nine (9) paper copies of the plan, nine (9) copies of all reports, and nine (9) copies of any executive summaries other than those accompanying the preliminary plan submission shall be submitted to the Borough. A completed application form, a fee in accordance with the fee schedule adopted by resolution of Borough Council, and a completed Cumberland County Planning Department plan processing application shall be submitted. If the subdivision or land development involves the construction, modification, or vacation of a street, one additional copy of the plan shall be submitted. A digital copy of all submitted documents shall be submitted in a format acceptable to the Borough.
- (b) Within ten (10) business days of when an application is received by the Borough, the Borough staff shall review and certify the application as substantially complete and accepted or incomplete and rejected. Within said time, the Borough shall notify the applicant in writing if the preliminary application is incomplete and rejected, stating the deficiencies in the application, and returning the filing fee. The applicant may reapply, submitting the fee and missing material at any time.
- (c) The plan shall be placed on the agenda of the next regular meeting of the Planning Commission, provided that the application has been filed and accepted as substantially complete at least thirty (30) calendar days

- prior to the next meeting.
- (d) Copies of the prints and pertinent supplementary data shall be distributed to the following agencies for appropriate review and recommendations:
    - (i) Borough Planning Commission
    - (ii) Borough Engineer
    - (iii) Borough Solicitor
    - (iv) Borough staff such as the Public Works Director, Fire Marshal, sewer and/or water utilities, and other technical consultants as needed.
    - (v) Other cognizant agencies, such as the School Board, if deemed advisable.
  - (e) The Planning Commission may permit submission of the Final Plan in sections, each covering a reasonable portion of the entire proposed subdivision as shown on the approved Preliminary Plan.
  - (f) Submission of final plan without sketch or preliminary plans is discouraged. However, a subdivider or developer may do so at his own risk. The Preliminary Plan must be considered first, but at the discretion of the Planning Commission, both Preliminary and Final Plans can be approved at the same meeting (subject to County and Borough Council approval).
  - (g) Cumberland County Planning Department review: Copies of the plan, reports and filing fee shall be in accordance with Cumberland County Planning Department filing requirements.
- (2) The final action of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to same at their last known address not later than 15 calendar days following the Borough Council's action. The written communication shall note one of the following actions:
- (a) Unconditional approval;
  - (b) Conditional approval requiring changes pertaining to the plan, submission of revised technical reports, the reason for the conditional approval, the provisions of the statute or ordinance relied upon, or conditions agreed to by the applicant; or
  - (c) Disapproval, including the defects found in the application, the requirements that have not been met, proposed mitigation measures for negative impacts identified in impact studies or reports that have been determined to be inadequate and changes in plans and specifications that would cause the Borough Council to determine that mitigation measures are adequate, and the provisions of the statute or ordinance relied upon.
- (3) When the Borough Council grants conditional approval of a plan, the following procedure shall be applicable:
- (a) When a final plan has been approved subject to conditions, and when the applicant rejects one or more of the conditions, the applicant shall so notify the Borough Council in writing within thirty (30) days of the Borough Council's action. Such notification of rejection of one or more of the conditions of approval shall serve to automatically rescind the conditional approval of the plan. Failure of the applicant to notify the Borough Council of rejection of one or more of the conditions of approval within the time so specified shall serve as notice of acceptance of the conditions of approval and that the applicant intends to fully comply with the conditions unless such conditions are invalidated by final order of court upon appeal thereto by the applicant.
  - (b) If the applicant and the Borough Council agree to additional conditions of final plan approval that are not otherwise enforceable under statute or ordinance, all such conditions shall be embodied in a developer's agreement entitled "Final Plan Developer's Agreement," which lists the agreed upon conditions. Acceptance or rejection of the Final Plan Agreement shall be done in accordance with the procedures set forth in Article VI§ 179-33.

- (c) Upon receiving a conditional approval, the applicant shall have one year from the date of the Borough Council's conditional approval to submit two copies of a revised final plan which complies with all conditions, including compliance with all conditions agreed to by the applicant in any Final Plan Developer's Agreement. The Borough Council may grant an extension of the time period for final plan approval upon written request by the applicant. Failure to submit a revised final plan which complies with all conditions within the aforesaid time period shall serve as a rejection of the conditions by the applicant and serve to automatically rescind the plan approval.
- (4) Upon determination that all conditions of the Borough Council's conditional approval have been met, the Borough shall transmit a written notification to the applicant indicating that the final plan conditions have been satisfied. The applicant shall submit one mylar and three paper sets of plans along with a digital file in a format acceptable to the Borough.
- (5) Disapproval of the plan requires that the applicant resubmit the plan. A resubmitted plan shall be considered and reviewed as a new plan in accordance with this § 179-33.
- (6) After the Borough Council grants unconditional approval, or the conditions of approval have been satisfied, and the plan is signed by the Borough Council Chairperson or Vice Chairperson, the applicant shall present the plan to the Cumberland County Planning Department for approval signatures. Upon securing all approvals, the applicant shall, within 90 days of such final approval or 90 days after the date of delivery of an approved plan signed by the Borough Council following completion of conditions imposed for such approval, whichever is later, record such plan in the office of the Cumberland County Recorder of Deeds. Failure to record the plan within this time period shall cause the Borough Council's approval to become null and void, unless an extension of time has been requested by the applicant in writing and granted by the Borough Council.
- (7) Plans which are tabled prior to final action shall be reviewed in one of the following manners:
- (a) Any plan which, in the opinion of the Borough Council, cannot be adequately reviewed due to, but not limited to, a lack of information or nonconformity with existing federal, state, or local regulations, may be tabled. Written notice of the tabling action shall be mailed to the applicant no later than 15 days following the tabling action. Any plan tabled during the Borough Council's 90-day review and approval period shall be rescheduled for final action within the same aforementioned 90-day period. If the applicant must provide supplemental information for a tabled plan, this information shall be provided to the Borough at least 21 days prior to the Borough Council meeting when the plan will be reconsidered.
- (b) An applicant may request in writing to the Borough Council that the plan be tabled. Plans which are tabled by the Borough Council shall be rescheduled for final action within the Borough Council's 90-day review period unless the applicant has agreed, in writing, to an extension of time.
- (8) An applicant may withdraw a plan from the Borough Council's consideration by means of written communication to the Borough Council or Borough staff; however, fees for plans which are withdrawn shall not be returnable nor credited toward any resubmitted plans. A resubmitted plan shall be considered and reviewed as a new final plan in accordance with procedures and requirements set forth in this article.
- (9) From the time an application is duly filed until the completion of required improvements, the application shall have those protections from change or amendment of zoning, subdivision, stormwater or other governing ordinance or plan set forth in Article V§ 179-26.

#### **§ 179-32 Dedication of streets and other areas for public use.**

- A. Recording of the final plan, after approval by the Borough Engineer and Council, shall have the effect of an irrevocable offer to dedicate all streets and other areas designated in the final plan for public use, unless reserved by the applicant as provided for in Article VII§ 179-35 B of this Chapter. However, the approval of Borough Council shall not impose any duty upon the Borough, County or Commonwealth of Pennsylvania concerning acceptance, maintenance or improvement of any such dedicated areas or portions of same until the proper

authorities of the Borough, County or Commonwealth actually accept same by ordinance or resolution.

- B. The applicant may place a notation on the final plan to the effect that there is no offer of dedication to the public of certain designated areas, in which event the title to such areas shall remain with the applicant or shall be transferred to adjacent owner/owners or approved homeowners association; and the Commonwealth of Pennsylvania, County of Cumberland or Borough of Camp Hill shall assume no right to accept ownership, maintenance or improvement thereof.

**§ 179-33 Required final plan specifications and data.**

- A. The final plan shall meet all of the requirements of Article V§ 179-28, Minor and preliminary plan specifications and data, and shall be accompanied by the following certificates, which shall be signed after all conditions have been satisfied:
- (1) Certificate for approval by the Council.
  - (2) Certificate for approval by the Borough Engineer.
  - (3) Certificate of review by the Cumberland County Planning Department, as stipulated by the Cumberland County Planning Department.
  - (4) Certificate for the dedication of streets, alleys, or other land for public use.
- B. The final plan also shall show or include the following additional information:
- (1) A plan note indicating dates and action taken by other Borough boards and commissions and of other approvals or permits received from federal, state, or local agencies.
  - (2) Plan notes describing any existing deed restrictions or easements affecting the site, proposed deed restrictions or covenants, and a source reference for any condominium declaration.
  - (3) Evidence of review and/or action taken on the plan by an adjacent municipality, if applicable.
  - (4) If covenants are to be placed upon the use of the land in a subdivision or land development, said covenants shall be submitted to the Borough for review and comment and shall be recorded at the time of plan recording. Evidence of such recordation shall be provided to the Borough.
  - (5) A plan note indicating no-build subdivisions will require individual lot plans in accordance with Article VI of this Chapter, approvals under the Zoning Ordinance, Stormwater Management Ordinance, Chapter 174, Erosion and Sediment Control, PA Code Chapter 102, or other Borough ordinances that may be applicable, prior to future construction
- C. For condominium plans, the full set of plans and documents shall be provided, including but not limited to, the declaration, declaration plan unit boundaries, floor plans, proposed use of each unit, description of common elements, easements, and other features as required by Title 68, Real and Personal Property, Part II, Real Property, Subpart B, Condominiums, as amended by Senate Bill 65, 1979, or other applicable laws of the Commonwealth for proposed condominiums.

**§ 179-34 Construction of improvements.**

All required improvements shall be installed by the applicant and approved by the Borough prior to the Council signing the final plan. In lieu of having completed the improvements, the applicant shall post an improvement construction guaranty, as specified in Article XI§ 179-71, Improvement Construction Assurances. If required by the Borough, the applicant shall indicate the intent to construct the required improvements by executing a Final Plan Developer's Agreement, which shall be submitted prior to approval of the final plan.

**Article VII Design and Improvement Standards**

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**§ 179-35 General Provisions.**

A. Other standards and requirements

- (1) The standards and requirements contained in this article shall apply as minimum design standards for subdivisions and/or land developments. Whenever other Borough ordinances, rules, resolutions, or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.
- (2) Unless otherwise specified, all references in this Chapter to documents, regulations, ordinances, rules, and other material are to the latest edition, including amendments, replacements, revisions and/or superseding.
- (3) Subdivisions and/or land developments shall be designed to comply with the most recent version of the following:
  - (a) Borough Zoning Ordinance
  - (b) Borough Official Map
  - (c) Borough Standard Construction Specifications
  - (d) Regulations of Pennsylvania Department of Environmental Protection
  - (e) Pennsylvania Department of Transportation Design Manual Part 2, Highway Design, and/or Roadway Construction (RC) Standards
  - (f) AASHTO A Policy on Geometric Design of Highway and Streets
  - (g) All applicable local, state, and federal rules and regulations; and
  - (h) Commonly accepted engineering standards and practices.
- (4) Where no written standard applies, the development shall be designed to an acceptable industry standard as presented to and approved by the Borough Engineer.
- (5) Whenever the Borough Zoning Ordinance provides that the use proposed by the developer for subdivision and/or land development approval shall constitute a use by special exception or a conditional use, the plan shall be designed and developed in accordance with any conditions which have been imposed by the Zoning Hearing Board or the Borough Council, as applicable.

- (6) Whenever the developer proposes to develop a subdivision and/or land development in a manner that would require a variance from any requirements of the Borough Zoning Ordinance, the plan shall be designed and developed in accordance with any conditions which have been imposed upon the granting of such variance or variances by the Zoning Hearing Board.
- (7) The developer shall obtain all required easements and rights-of-way to the satisfaction of the Borough. Under no circumstance shall the Borough be obligated to secure easements or rights-of-way. All easements and rights-of-way shall be in the form of a written agreement prepared to the satisfaction of the Borough and its legal counsel.
- B. Environmental protection. Characteristics, such as site configuration, geology, soil, topography, body of water, ecology, vegetation, structures, road network, visual features and past/present use shall be considered in the design of the proposal. To the maximum extent practicable, designs should preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize negative impacts and alteration of natural features.
- C. Land requirements. No subdivision and/or land development shall occur in such a way that would threaten the public health and safety, including hazards of toxic substances, traffic hazards, explosive hazards and/or fire hazards. Land shall be suitable for the purpose for which it is to be subdivided and/or developed. Land subject to hazardous conditions, such as open quarries, mines, mine shafts, sinkholes, limestone solution channels, unconsolidated fill, flooding, excessive erosion, unsafe water supply or hazardous or toxic site pollution, shall not be approved for subdivision and/or land development until the developer has provided, or has legally committed to provide, adequate measures to overcome or eliminate, mitigate and/or safeguard against such hazards, in the determination of the Borough Council, to the best of his knowledge. However, the Borough accepts no responsibility to identify or to guarantee its resolution.
- D. Coordination with nearby development. A subdivision and/or land development and its street pattern shall be coordinated with existing or approved nearby developments or neighborhoods, to develop the area and the community harmoniously, and to prevent conflicts between neighboring development.
- E. Design goals. The development shall be designed to minimize impervious cover and to mitigate adverse effects of shadow, noise, glare, odor, traffic, and drainage, on neighboring properties.
- F. Conformance with adopted plans. Design of the development shall take into consideration, or where required, comply with all adopted Borough, county and state plans for the Borough and surrounding community.
- G. Circulation. Movement within a site and access to the site should be designed for the safety and convenience of various types of users. Cross access between properties and joint access are encouraged (where appropriate) to improve circulation and access safety as well as minimize the number of site generated trips on Borough and State roadways.

#### **§ 179-36 Public streets.**

- A. General street arrangement. The following design consideration shall be applied to all new streets within a subdivision and/or land development plan. Additional street width may be requested by the Borough to accommodate on street parking facilities.

Table 1: Street Widths

Street Type	Access Drive	Alley	Turnaround of Cul-de-Sac	Cul-de-Sac	Minor Streets (Industrial / Commercial Uses)	Minor Streets (general)	Collector Streets	Arterials Streets
Row Width	N/A	20'	120'	60'	60'	50'	60'	As determined by the PennDOT.
Shoulders (*)	N/A		4'	2' each (if no curbing)	6' each	4' each	6' each	
W/O Curbs	22'	N/A	100'	50'	28'	24'	28'	
W/ Curbs	22'	N/A	100'	50'	34'	30'	34'	

\* Required only in the absence of curbing.

- (1) Right-of-way widths, determined by the combination of the components in Table 1, may be modified by the Borough in consideration of the following: anticipated average daily vehicle trips generated by and through the project area, truck traffic, municipal maintenance and public safety needs, on-street parking demand, pedestrian safety, accessibility for persons with disabilities, mass transit needs, bicycle lanes, landscape areas, snow removal impacts, required utility easements or continuation of adjacent development patterns.
- (2) Sidewalk requirements on collector and minor arterial streets may be widened to a maximum of 8 feet to accommodate high pedestrian traffic in the vicinity of shopping and service facilities, schools, recreation areas, community facilities, and other high-volume generators of pedestrian traffic. In the event sidewalks width are increased to accommodate increased pedestrian traffic, the total ROW width shall be increased accordingly. The Borough reserves the right to require wider sidewalks in instances where it improves on pedestrian safety, mobility, connectivity, and access.
- (3) Streets shall be logically related to the topography so as to produce reasonable grades, satisfactory drainage and suitable building sites and shall have horizontal and vertical alignments in accordance with Article VII§ 179-37 C and D below.
- (4) The arrangement of streets shall provide for the continuation of existing or planned streets and street patterns and proper access to adjoining undeveloped tracts suitable for future subdivision.
- (5) Cul-de-sac streets shall be avoided in order to maintain street connectivity and shall be permitted only when topography or the presence of natural and historic resources prevent a connecting street pattern.
- (6) All required improvements, including but not limited to existing and new streets, sanitary sewer and water line interceptor systems, stormwater management and green infrastructure systems, and all other improvements shall be installed in the rights-of-way of existing and/or new streets, and shall be extended to the boundary line of the development, as required, to provide access to adjacent lands. All such existing and/or new streets and all required improvements to be located within the rights-of-way of such existing and/or new streets shall be so designed as to accommodate the future needs of the Borough with respect to street circulation patterns and utility alignment.
- (7) Whenever design standards for required street improvements are not specified by Camp Hill Borough, the applicable standard requirements of the Pennsylvania Department of Transportation, in accordance with Publication 408, latest revision, shall govern.
- (8) To the maximum extent practicable, all new and reconstructed streets shall be designed to accommodate pedestrians, bicycles and include green infrastructure.
- (9) Parking lanes shall incorporate green infrastructure where underground utilities do not create insurmountable conflicts.
- (10) Bicycle lanes or visible lane markings and signage shall be incorporated into all reconstructed streets in

accordance with the Borough Specifications and other appropriate Guidelines then in effect or any other stricter regulations promulgated by ordinance or resolution of Borough Council.

- (11) All new and reconstructed streets, sidewalks, curbs, and planting strips shall be designed and constructed in accordance with the Borough's Specifications and shall be consistent with any proposed Borough street improvement project.
- (12) Street Classification. Three (3) functional classifications of streets and roads are established as follows:
  - (a) Arterial. This classification includes the regional highways or highways which provide intra-county or inter-municipal traffic of substantial volumes. Generally, these highways should accommodate operation speeds of 55 miles per hour.
  - (b) Collector. This classification is intended to include major and minor collectors or those highways which connect minor streets to arterial highways and generally serve intra-county and intra-municipal traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping, and other services. They many penetrate residential areas. Generally, these highways will accommodate operating speeds of 35 to 45 miles per hour or under.
  - (c) Minor. This classification is intended to include local roads streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short. These streets and roads should be designed for operating speeds of 25 miles per hour or under.

**B. Cul-de-sac and dead-end streets.**

- (1) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- (2) Cul-de-sac streets shall be avoided in order to maintain street connectivity and shall be permitted only when topography or the presence of natural and historic resources prevent a connecting street pattern.
- (3) Cul-De-sac streets serving residential uses, permanently designed as such, shall be a minimum of two hundred fifty (250') feet in length and shall not exceed eight hundred (800') feet in length or shall not furnish access to more than twenty-four (24) dwelling units, upon the approval of the Borough Engineer.
- (4) Cul-de-sac streets serving commercial and/or industrial uses shall be adequate for the type of use to be serviced as approved by the Borough Engineer but, in no case, shall exceed eight hundred (800') feet in length.
- (5) The minimum radius to the pavement edge or curb line shall be forty (40') feet and the minimum radius of the right-of-way line shall be fifty (50') feet.
- (6) The centerline grade on a cul-de-sac street shall no exceed ten (10%) percent and the grade of the diameter of the turnaround shall not exceed five (5%) percent.

**C. Horizontal alignment.**

- (1) Horizontal curves, with a minimum radius of 150 feet, shall be used at all horizontal alignment deflections in excess of 2 degrees.
- (2) There shall be a tangent of at least 100 feet between reverse curves for all residential and collector streets.
- (3) Right-of-way lines shall be equidistant from the street centerline at all points.

**D. Vertical alignment.**

- (1) A vertical curve is used to provide a smooth transition between vertical tangents of different slope rates and is usually centered on the intersection point of the vertical tangents. One of the basic principles of vertical curves is that the rate of change of grade at successive points on the curve is a constant amount for equal increments of horizontal distance. The total length (L) of a vertical curve divided by the algebraic difference

in its tangent grades (A) reflects the distance along the curve at any point to effect a one percent change in gradient and is, therefore, a measure of curvature. The rate  $L/A$ , termed “K,” is useful in determining minimum lengths of vertical curves for the various required sight distances. “K” values for vertical curve design should be consistent with design speed. Maximum centerline grades should also be consistent with design standards. The minimum design speed shall be 30 mph with a vertical curve minimum “K” value of 19.

- (2) The minimum centerline grade shall be 1% with designed low points to collect and discharge stormwater.
- (3) The maximum grades shall be as follows:
  - (a) Arterial: determined by state and federal government;
  - (b) Collector: 8%;
  - (c) Minor/Residential: 10%.

E. Intersections.

- (1) No more than two streets shall intersect at the same point.
- (2) Right-angle intersections shall be used whenever possible. No street shall intersect at an angle of less than 75°.
- (3) Roundabouts should be considered where practicable and in accordance with the PennDOT Design Manual.
- (4) Two streets intersecting at opposite sides of a through street shall intersect at their centerlines, or their centerlines shall be offset by a minimum of 150 feet.
- (5) A clear sight triangle shall be provided and maintained at all intersections in accordance with the requirements contained within the Borough Zoning Code.
- (6) Intersections shall be approached on all sides by straight level areas, the grade of which shall not exceed five (5%) percent within sixty (60’) feet of the intersection of the nearest right-of-way lines.
- (7) Intersections with major streets shall be located not less than eight hundred (800)’ feet apart, measured from the centerline to centerline, along the centerline of the major street.
- (8) At intersections of the streets the curb or edge of the pavement radii shall not be less than the following:

Intersection	Minimum Simple Curve Radii of Curb or Edge of Pavement
Collector with Collector Street	Thirty-five (35’) feet
Collector with Minor Street	Twenty-five (25’) feet
Minor Street with Minor street	Twenty (20)’ feet

- (9) Street name signs shall be designed and installed by the applicant at all intersections and shall be in accordance with Borough specifications, or in the absence thereof, the current edition of the Manual on Uniform Traffic Control Devices (MUTCD). Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets. At least two street name signs shall be placed at each four-way street intersection and one at each “T” intersection. All signs shall identify both intersecting streets. Signs shall be installed in a manner to be free of visual obstruction, including trees, utility poles, and other signs. Street name signs for private streets shall be installed by the applicant in accordance with this section.
- (10) Traffic control signs and any accompanying pavement markings shall be installed by the applicant and their

installation shall meet the requirements of the Borough Engineer and the Pennsylvania Department of Transportation (PennDOT), where applicable, or in the absence thereof, the current edition of the Manual on Uniform Traffic Control Devices (MUTCD).

F. Street widths.

- (1) Minimum street right-of-way and cart way widths shall be required as presented in Table 1.
- (2) The extension of existing streets which are presently constructed with a cartway different from the standards of these regulations shall be provided with a transition area, the design of which shall be subject to approval of the Borough Engineer.
- (3) Where curb extensions (or bulb-outs) are proposed, they shall be designed to accommodate bicycle travel and the turning movements of trucks and buses, and may be installed to facilitate the following:
  - (a) Improve visibility of and by pedestrians at corner or mid-block crossings;
  - (b) Reduce the length of pedestrian crossings;
  - (c) Provide bio-retention facilities for stormwater management;
  - (d) Provide protection of fire hydrants.

G. Street construction.

- (1) Streets shall be constructed in accordance with Borough standards.
- (2) Streets shall be finish graded to the full width of the right-of-way, surfaced, and improved to the grades and dimensions shown on the plans, profiles and cross-sections submitted by the developer, and approved by the Borough Engineer.
- (3) Maximum slopes of banks measured perpendicular to the centerline of the street shall be 3 to 1 in fill areas and 2 to 1 in cut areas beyond the right-of-way line to the existing ground line elevation.
- (4) The Borough may require that guide rails be installed as part of the project improvements where one or more of the following conditions exist:
  - (a) Steep slopes;
  - (b) Curves;
  - (c) Endangered structures;
  - (d) Other safety related site aspects.
- (5) Rails and posts, location and installation methods shall be approved by the Borough Engineer. Materials shall include PennDOT approved steel guide rail, post, or other Borough approved rail systems.

H. Alleys.

- (1) The cartway width of an alley shall not be less than 20 feet except when special circumstances justify an alley of lesser width; however, the Borough will not accept the dedication for placement on the official map of any alley of less than 20 feet.
- (2) The intersection of two alleys and sharp changes in the alignment of an alley shall be avoided; however, where necessary, a minimum ten-foot sight triangle to permit safe pedestrian and vehicular movement shall be provided, unless greater sight distance is required by the Borough. To achieve a ten-foot sight triangle, corner lot lines shall have a minimum radius of fifteen feet.
- (3) Alleys shall be connected to streets so as to provide circulation for pedestrians, bicycles, and vehicles. Circulation shall include connection between two streets, a street and alley or between two alleys.
- (4) Parking shall be restricted on alleys and shall be provided in adjacent off-street parking and/or garage

structures.

- (5) Alleys shall be provided in new subdivisions or land developments, except that the Borough may waive this requirement where other definitive and assured provisions are made for service areas, such as off-street loading and unloading areas and parking areas consistent with and adequate for the uses proposed. The Borough shall have no obligation to accept an alley as public.
- (6) Where practicable plans should consider that, all new alleys and all reconstructed alleys shall be designed and constructed to incorporate green infrastructure for stormwater management including but not limited to porous paving, permeable pavers, bioretention, and tree trenches.

#### I. Curbs.

- (1) Curbs shall be required on both sides of all proposed streets in subdivisions, and on the side of the development along all existing streets in and abutting both subdivisions and land developments.
- (2) Standard straight curbs shall be installed along all Borough streets to the dimensions and construction standards of the Borough. Where deemed appropriate, the Borough Engineer may permit mountable slant curbs meeting Borough design standards.
- (3) Curb cuts for vehicular or pedestrian access shall be designed in accordance with Borough standards, or, in the case of state highways, in accordance with PennDOT standards, and a plan note shall indicate that a Borough permit or PennDOT highway occupancy permit will be obtained prior to installation.
- (4) Pipes, grates, and other materials shall not be placed in the curb gutters to form a driveway ramp.
- (5) Intersection curb radii shall be in accordance with Borough standards and approved by the Borough Engineer.
- (6) ADA ramps shall be installed at each intersection within the development in accordance with current Borough, State, and Federal standards as may be most appropriate.

#### J. Sidewalks.

- (1) Sidewalks shall be required along both sides of all new public streets in all subdivisions and land developments.
- (2) Sidewalks shall be installed in accordance with the current specifications published in the Borough Specifications. Sidewalks shall be constructed of concrete, brick pavers, or other materials as approved by the Borough Engineer.
- (3) Sidewalks along public and private streets shall be a minimum of five feet wide, not including space taken by poles, trees, steps, or other appurtenances, and shall be compliant with the minimum requirements of the Borough. Sidewalks adjacent to shopping and service facilities, schools, recreation areas, community facilities, and other high-volume generators of pedestrian traffic may be required to be of a greater width if deemed appropriate by the Borough Engineer or Borough staff.
- (4) Sidewalks shall be located within the street right-of-way, except where existing conditions dictate otherwise. A minimum four (4) foot wide grass planting strip shall be provided between the curb and sidewalk unless otherwise approved by the Borough.
- (5) A sidewalk of not less than five feet in width, constructed in accordance with Borough standards, shall be provided along private streets and access drives wherever pedestrian travel may occur. Sidewalks of greater width may be required by the Borough based upon housing density, proximity to schools, parks, bus stops, and persons with disabilities.
- (6) Where possible, sidewalks should be sloped towards adjacent pervious surfaces, not adjacent impervious surfaces.
- (7) ADA compliant ramp cuts shall be located at all sidewalks intersecting with vehicular travel ways.

**K. Crosswalks.**

- (1) Marked ADA compliant crosswalks shall be provided within the vehicular travel ways intersecting with sidewalks, including all public streets and access drives.
- (2) Crosswalks shall be installed in accordance with applicable PennDOT regulations.
- (3) Crosswalks shall be delineated using stamped asphalt, thermoplastic stripes and borders, pavers, or other materials approved by the Borough Engineer.

**L. Pedestrian and bicycle paths.**

- (1) Pedestrian/bicycle paths shall be provided where the existing circulation system does not include such, where abandoned railroads or other open spaces provide corridors free of obstacles, and/or in accordance with any adopted pedestrian/bicycle plan.
- (2) Pedestrian/bicycle paths shall be connected to new and existing public rights-of-way.
- (3) Such multi-use paths should not be a substitute for an adequate sidewalk system for connecting open space, residential areas, schools, playgrounds, and other community facilities.
- (4) The following guidelines should be considered for the installation of pedestrian and bike paths:
  - (a) Connect all paths to the street system in a safe and convenient manner;
  - (b) Provide well defined right-of-way (easement) 10 feet wide, with a maximum average grade of 5% not to exceed 15%;
  - (c) Install benches, lighting, and trash receptacles along pathways;
  - (d) Clearly mark all path connections with destination and directional signing;
  - (e) Locate all paths in corridors that serve origin and destination points such as residential areas, schools, shopping centers, parks, etc. Sidewalks should provide access to community facilities such as schools, shopping areas, recreation areas and cultural and community facilities.
  - (f) Design paths in accordance with applicable specifications contained within Camp Hill Borough Specifications.

**M. Street trees.**

- (1) Street trees, approved by the Shade Tree Commission shall be planted in accordance with Chapter 187, Trees, and the Tree Manual when the subdivision or land development plan involves one or more of the following improvements:
  - (a) Construction, reconstruction or widening of a street;
  - (b) Installation or replacement of sidewalk in conjunction with the project; or
  - (c) Removal of existing street trees as a result of project activities.
- (2) Street trees shall be located in the public right-of-way between the back of the curb line and the sidewalk within planting strips or tree wells in accordance with Chapter 187, Trees, of the Code of the Camp Hill Borough, or as otherwise required by the Borough staff. Planting of street trees to the rear of the sidewalk right-of-way or on private property in proximity to the sidewalk may be permitted by the Borough in consideration of the following:
  - (a) Overhead wires or underground utilities prevent the planting of street trees between the curb and sidewalk; or
  - (b) The width of the sidewalk is too narrow to accommodate street trees; or
  - (c) The Shade Tree Commission recommends the planting of street trees in another location; and

- (d) If planted on private property, the applicant agrees to enter into a street tree easement agreement with the Borough, which agreement shall be recorded at the time of final plan recording so that the easement runs with the lot or lots shown on the final plan.
- (3) The Shade Tree Commission shall review and/or determine the spacing between trees based upon species proposed, existing trees, driveway and street intersection locations, fire hydrants, utility poles or other factors relevant to the placement.
- (4) One tree shall be planted for every 40 linear feet, or major fraction thereof, of street frontage. Spacing between trees shall not be less than 20 feet nor more than 50 feet.
- (5) Street trees shall have a minimum caliper of 2 1/2 inches, measured at six to 12 inches above ground level.
- (6) All trees shall be nursery-grown and free of disease and structural defects which, over time, could cause the tree to become weakened or hazardous.
- (7) Any street tree which is damaged by project activities shall be treated for wounds, properly trimmed, or replaced in accordance with the recommendations of the Shade Tree Commission.
- (8) Any street tree that dies shall be replaced by the developer or property owner within 12 months and in accordance with Chapter 187.
- (9) To the maximum extent practicable, streets trees shall be retained and protected during construction in accordance with the tree protection standards in Chapter 187.
- (10) The location of street trees shall not inhibit the visibility of traffic control devices or signs, with consideration given to size upon full maturity.

N. Monuments and markers.

- (1) Permanent monuments shall be accurately placed along the right-of-way line of new, modified, or redesigned streets on at least one side of each street at the beginning and end of all curves and at all angle changes or at four-foot offsets at intersections, where appropriate.
- (2) Markers shall be set at locations shown on the final plans as follows:
  - (a) At all points where lot lines intersect curves, alleys, or streets, front, and rear;
  - (b) At all angles in property lines of lots;
  - (c) At all other lot corners.
- (3) Monuments of stone or concrete shall have a flat top, with or without a beveled edge, having a minimum width or diameter of four inches and a minimum buried length of 30 inches. They also shall be marked on the top with a copper dowel or "X" cut. Markers shall whenever possible be composed of or include ferrous material so as to be detectable by an electromagnetic locator device. Markers shall be pipes or steel bars at least 30 inches long and not less than 5/8 inch in diameter, or other marking methods approved by the Borough Engineer.
- (4) Monuments and markers shall be placed so that the score, "X" punch mark, or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surrounding surface, except that in areas that are wooded and are intended to remain wooded they may be set up to 3 inches above the ground surface.
- (5) Where monuments or markers fall within a paved (or sidewalk) area, they shall be set below grade and have a lidded monument pot or box set over them. The pot or box shall be set flush with the paving and the monument inside shall be free from contact with the surrounding paving to prevent disturbance by future digging or demolition activities. If the paved area is likely to bear vehicular traffic, the monument pot/box shall comply with AASHTO H-20 loading requirements.

- (6) Where a standard monument or marker cannot be set due to field conditions, common methods of setting corners should be used.
- (7) All markers are to be in compliance with the Manual of Practice for Professional Land Surveyors in the Commonwealth of Pennsylvania as amended from time to time and as published by the Pennsylvania Society of Land Surveyors.

### § 179-37 Access drives and driveways.

#### A. Permits for access to state and borough streets.

- (1) When applicants seek access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the following plan note shall be included: "A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), as amended, known as the 'State Highway Law,' before driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and the Borough Council's approval of this plan in no way implies that such permit can be acquired."
- (2) Access drives and driveways shall require approval of the Borough Code Enforcement / Zoning Officer and/or Engineer who shall consider safe stopping distance, intersection separation distances and pedestrian safety issues when reviewing permit applications.

#### B. Dimensions.

- (1) Nonresidential depressed curb shall be a minimum of 20 feet in length and shall not exceed 40 feet without a safety island of at least 15 feet in length. Residential depressed curb shall be a minimum of 8 feet in length and shall not exceed 20 feet.
- (2) Access drives shall maintain a minimum centerline separation distance of 40 feet from all other access drives unless a greater separation is required by the Borough or Borough Engineer for public safety. Access drive intersections with other access drives within the site shall not be subject to such restriction.
- (3) A valid highway occupancy permit shall be obtained from the Pennsylvania Department of Transportation where applicable.
- (4) Driveways serving single family residences shall intersect streets at angles of no less than sixty degrees. All other driveways or access roads shall intersect streets at right angles, where possible, and in no instance shall such intersection be less than seventy-five (75) degrees.
- (5) The width of access roads or driveways shall be in accordance with the following standards:
  - (a) For multi-family residential, mobile home parks, and all nonresidential developments or subdivisions, access roads shall be no less than twenty-two (22') feet in width at the street line and shall clearly be defined by the use of curbing.
  - (b) For single family residential subdivisions, driveways shall be no less than ten (10') feet in width and no greater than twenty (20') feet in width at the street line.
- (6) In order to provide for safe and convenient ingress and egress points, access roads and driveway entrances shall be rounded at the following minimum radius:
  - (a) For multi-family residential, mobile home parks, and all nonresidential developments or subdivisions, access road entrances shall be rounded at minimum radius of ten (10') feet.
  - (b) For single family residential subdivisions, driveways entrances shall be rounded at a minimum radius of five (5') Feet.
- (7) The grades on access roads or driveways shall not exceed the following:
  - (a) Eight (8%) percent when access is to an arterial street,

- (b) Ten (10%) percent when access is to a collector or minor street.
- (8) Minimum 5-foot clear sight triangles shall be provided at the intersection of aisles and other access drives unless otherwise directed by the Borough Engineer.
- (9) Access drives and driveways intended for two-way travel shall intersect streets at a horizontal angle as near to 90 degrees as site conditions permit. Access drives and driveways intended for one-way travel shall have a minimum angle of 45 degrees and a maximum angle of 90 degrees. The length of the vertical approach of access drives shall be a minimum of 20 feet and shall not exceed a grade of 3%.
- (10) Private Driveways on corner lots shall be located at least forty (40') feet from the point of intersection of the nearest street right-of-way lines.
- (11) In order to provide a safe and convenient means of access, grades on private driveways shall be so designed to allow for the unimpeded flow of storm water runoff. In addition, driveways must be stabilized to their full width to prevent erosion. Entrances should be rounded at a minimum radius of ten (10') feet or should have a flare construction that is equivalent to the radius at the point of intersection with the cartway edge (curb line). (Refer to Pennsylvania Department of Transportation, Guidelines for Design of Local Roads and Streets-Publication No. 70, as revised.)
- C. Other safety considerations.
- (1) The Borough may require side-by-side or common, shared driveways when such design would increase traffic safety, decrease vehicle conflicts, and reduce the loss of available on-street parking.
- (2) Parallel parking shall only be permitted along access drives when deemed appropriate by the Borough Engineer based on a review of anticipated traffic volumes and potential safety concerns. Sufficient cartway width must be provided to accommodate both the travel lanes and parking stalls. Angle and perpendicular parking which would require vehicles to back into the travel lanes of an access drive shall not be permitted.
- (3) The Borough reserves the authority to disapprove the location of any access drive intersection with an existing or proposed street upon finding that the proposed design raises serious traffic and/or pedestrian safety issues and that alternative site and access designs are available which would minimize the identified safety concerns.
- (4) The Borough may require installation of a depressed curb with a driveway apron and sidewalk or a marked crosswalk across a high-volume access drive.

### § 179-38 Easements.

- A. When easements are required for utilities, the minimum width shall be 20 feet for a single utility and 30 feet or more for two or more utilities; shall, in most cases, be centered on or adjacent to the rear or side lot lines; and shall be situated on the tract after consultation with an authorized representative of the appropriate local utility company or authority. This standard applies to stormwater pipe that discharges to the MS4 flows under private property.
- B. A stormwater easement or drainage right-of-way shall be provided within a subdivision or land development containing a watercourse, drainageway, channel or stream. Such easement shall conform substantially to the existing or relocated watercourse, drainageway, channel or stream and shall be of such a width as to be adequate to preserve the natural drainage and to assure that the surface stormwater runoff is adequately handled. The minimum width of the easement or right-of-way shall correspond to the floodplain area, but no less than 50 feet in width.
- C. Easements may be required by the Borough in cases where the Borough deems it essential for the proper circulation of pedestrian or vehicular traffic flow within a subdivision or land development. Such easements shall not be less than six feet in width for pedestrian use and 12 feet in width for bicycle or vehicular use, unless the Borough requires narrower easements because of anticipated pedestrian use or vehicular volume.
- D. Easements for the purpose of maintenance of structures may be required by the Borough where the Borough

deems it essential. Such easements shall be a minimum of three feet in width for structures not exceeding 10 feet in height and shall be no less than five feet in width for structures greater than 10 feet in height.

- E. A general plan note and a deed restriction, which shall be recorded at the time of plan recordation, shall indicate that nothing shall be placed, planted or set upon or within the area of the easement which would adversely affect the function of the easement or conflict with the easement agreement.
- F. The purpose of the easement and the responsible party for maintenance of the easement and any facilities located therein shall be clearly identified on the plan and in any documents or agreements prepared as a result of the easement.

#### § 179-39 Blocks.

- A. In general, block lengths in a residential subdivision shall be consistent with the Borough Official Plan, shall follow established patterns in the neighborhood, or shall have a minimum length of 200 feet and a maximum length of 600 feet. Block lengths shall be measured along the street centerlines from intersection to intersection.
  - (1) Where blocks exceed four hundred (400) feet in length, a mid-block, pedestrian right-of-way of not less than ten (10) feet in width shall be provided for pedestrian circulation. Paved walks of not less than four (4) feet shall be placed within the right-of-way and constructed in compliance with Borough sidewalk standards.
- B. In all developments, the block layout shall consider the topography and character of the site, protect environmentally sensitive areas, minimize clearing, grading, and the removal of trees, and provide for sufficient traffic circulation and access for emergency vehicles.
- C. Residential Block shall generally be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used or, where due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two (2) tier design.
- D. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroad access right-of-way, and utilities shall be provided as necessary.

#### § 179-40 Lots.

- A. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
- B. Lots and lot lines shall be established based upon the following criteria:
  - (1) Lots shall conform to the requirements of the Borough Zoning Ordinance.
  - (2) All lots shall abut a public street, existing or proposed, and shall have satisfactory vehicular and pedestrian access from a public street. A lot may abut a private street if it meets the requirements of these regulations.
  - (3) Lot lines shall be at right angles or radial to streets unless it can be demonstrated to the Borough that an alternative lot angle provides at least the same or better development patterns or is necessary for solar heating systems. Side lot lines shall, insofar as practical, run from due north to south where the resulting angle of incidence with the street is not less than thirty (30) degrees. A variation of up to twenty-five (25) degrees east or west of the north/south axis is permitted.
  - (4) Flag lots or other irregular lot configurations shall be avoided whenever possible; however, no portion of the lot shall be less than 14 feet in width.
  - (5) Buildings shall be oriented to the primary front lot line, except that variations in building orientation may occur in developments utilizing solar heating systems or where the applicant proves to the satisfaction of the

Borough that orientation to a secondary front lot line or side or rear lot line improves site design and does not adversely affect the streetscape.

- (6) Lot lines shall, where possible, follow Borough boundary lines.
- (7) If, after subdividing, there exists remnants of land, they shall be either;
  - (a) Incorporated in existing or proposed lots; or
  - (b) Legally dedicated to public use, if acceptable to the Borough.

C. Corner lots shall have adequate width to permit appropriate building setback from and orientation to both streets as per Borough Zoning Ordinance.

D. Lot Frontage

- (1) All lots shall abut a public street existing or proposed, or a private street if it meets the requirements of these regulations.
- (2) Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation.
- (3) No residential lots shall be created which front upon a limited access highway. Furthermore, no major subdivisions and/ or land developments shall be created which front upon an arterial street.

E. Building Setbacks

- (1) Front, side, and rear minimum building setbacks shall be in conformance with the Camp Hill Borough Zoning Ordinance, as amended.

**§ 179-41 Lighting.**

A. Purpose – To require and set minimum requirements for outdoor lighting to:

- (1) Provide for and control lighting in outdoor public places where public health, safety and welfare are potential concerns.
- (2) Protect drivers and pedestrians from the glare of non-vehicular light sources.
- (3) Protect neighbors, the environment and the night sky from nuisance glare and light trespass from improperly selected or poorly placed, aimed, applied, maintained, or shielded light sources.
- (4) Promote energy-efficient lighting design and operation
- (5) Protect and retain the intended visual character of the various venues of the Borough

B. Applicability

- (1) All uses within the Borough where there is interior or exterior lighting that creates or has the potential to create a nuisance or hazard as viewed from outside, including, but not limited to, residential, commercial, industrial, public and private recreational/sports and institutional uses, and sign, billboard, architectural and landscape lighting.
- (2) The Borough may require lighting be incorporated for other uses, applications and locations or may restrict lighting in any of the above uses or applications when health, safety and welfare are issues.
- (3) The glare-control requirements herein contained apply to lighting in all uses, applications, and locations.
- (4) Emergency lighting, as may be required by any public agency while engaged in the performance of their duties, or for illumination of the path of egress during an emergency as described in IBC, IFC, NFPA 75 and NFPA 101, are exempt from the requirements of this Ordinance.

### C. Definitions

- (1) Adequately Shielded – The attribute of a light source from which no direct glare is visible at normal viewing angles by virtue of its being properly aimed, oriented, and located and properly fitted with such devices as shields, barn doors, baffles, louvers, skirts or visors as needed.
- (2) BUG - A rating of the amount of Backlight, Uplight and Glare of a luminaire
- (3) CCT - Correlated Color Temperature - A rating of the warmth or coolness of all light output expressed in degrees Kelvin.
- (4) Footcandle – Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), measurable with an illuminance meter, a.k.a. light meter.
- (5) Full Cutoff – Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the highest light-emitting portion of the luminaire and no more than 10% of the lamp’s intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the luminaire. A full-cutoff luminaire, by definition, also is “fully shielded.”
- (6) Fully Shielded – Attribute of a luminaire from which no light is emitted at or above a horizontal plane drawn through the highest light-emitting portion of the luminaire.
- (7) Glare – Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, so as to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare
- (8) Illuminance – Quantity of incident light, measured in footcandles
- (9) Light Trespass – Light emitted by a luminaire or installation, which is cast beyond the boundaries of the property on which the lighting installation is sited.
- (10) Lumen – As used in the context of this Ordinance, the light-output rating of a lamp (light bulb).
- (11) Luminaire - A complete lighting fixture assembly consisting of ballast or reactor, lamp(s), lamp holder, electrical components, light directing devices, shielding and lens or diffuser.
- (12) Nits - A unit of measure of the luminance (brightness) of the light emitted or reflected from a surface such as a sign face. Also referred to as candelas per square meter (cd/m<sup>2</sup>)

### D. Criteria

- (1) Illumination Levels - Lighting, where required by this Ordinance, or otherwise required or allowed by the Borough, shall have illuminances, uniformities and glare control in accordance with the latest edition of the IES Lighting Handbook or current Recommended Practices of the Illuminating Engineering Society of North America (IES). Future amendments to said Lighting Handbook and Recommended Practices shall become a part of this Ordinance without further action by the Borough.
- (2) Luminaire Design
  - (a) Luminaires shall be of a type and design appropriate to the lighting application and shall be aesthetically acceptable to the Borough.
  - (b) For the lighting of predominantly horizontal surfaces such as, but not limited to parking areas, roadways, vehicular and pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreational areas, building entrances, sidewalks, bicycle and pedestrian paths, and site entrances, luminaires shall be aimed straight down, have no uplight and shall meet IESNA full-cutoff/fully shielded criteria. Except as may be specified elsewhere in this Ordinance, luminaires shall have a BUG rating of U=0 Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this

paragraph. In the case of decorative street lighting luminaires, the Borough may approve the use of luminaires with an uplight component not exceeding 1%.

- (c) For the lighting of predominantly non-horizontal tasks or surfaces such as, but not limited to, facades, landscaping, signs, billboards, fountains, displays and statuary, when their use is specifically permitted by the Borough, luminaires shall be adequately shielded and shall be installed and aimed so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Luminaires with an aggregate rated lamp output not exceeding 500 lumens, e.g., the rated output of a standard non-directional 40-watt incandescent or 10-watt compact fluorescent lamp, are exempt from the requirements of this paragraph.
- (3) Color Temperature – LED light sources shall have a correlated color temperature that does not exceed 2700K in industrial and commercial districts, and not exceeding 2700K in residential districts.
- (4) Lighting Control
- (a) All lighting shall be aimed, located, designed, fitted, shielded and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property..
  - (b) Directional luminaires such as floodlights and spotlights, when their use is specifically approved by the Borough, shall be so shielded, installed and aimed that they do not project their output onto the properties of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way. Floodlights installed above grade on residential properties shall not be aimed out more than 45° from straight down. When a floodlight creates glare as viewed from an adjacent residential property or use, the floodlight shall be required to be re-aimed and/or fitted with a shielding device to block the direct view of the glare from that property.
  - (c) Illumination for signs, billboards, building facades and/or surrounding landscapes for decorative, advertising or aesthetic purposes is prohibited between 10:00 p.m. and dawn, except that such lighting situated on the premises of a commercial establishment may remain illuminated while the establishment is actually open for business, and until no more than one hour after closing.
  - (d) “Dusk-to-dawn lights” when judged by Borough to be a source of glare as viewed from an adjacent residential use or roadway, shall not be permitted unless effectively shielded as viewed from the adjacent property or roadway.
  - (e) The use of floodlights and wall-mounted luminaires (wall packs) to illuminate parking areas, shall not be permitted unless it can be proven to the satisfaction of the Borough that the employment of no other acceptable means of lighting is possible.
  - (f) Lighting for parking areas and vehicular and pedestrian traffic ways for commercial, industrial, and institutional uses shall be automatically extinguished nightly within 1 hour of the close of the facility. On/off control shall be by astronomic programmable controller with battery or capacitor power-outage reset. When after-hours site safety/security lighting is proposed, such lighting shall not be in excess of twenty-five (25) percent of the number of luminaires or lower illumination levels by twenty-five (25) percent required or permitted for illumination during regular business hours. The use of greater than 25% of the number of luminaires for normal lighting for all-night safety/security lighting shall require Borough approval, based on the unique nature of the use or elevated crime area justification. Alternatively, where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 11:00 p.m. or after normal business hours, or the use of motion-sensor control, shall be permitted.
  - (g) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as full cutoff/fully shielded luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming

angle and luminaire placement.

- (h) The illumination projected from any use onto a residential use shall at no time exceed 0.1 footcandle, measured at the property line line-of-sight and from any point on the receiving residential property. This footcandle value, however, shall not be used as a criterion for assessing glare control onto the property.
- (i) Except as permitted for certain recreational lighting and/or permitted elsewhere in this paragraph, full cutoff/fully shielded luminaires shall not be mounted in excess of twenty (20) feet above finished grade of the surface being illuminated. Where proposed parking lots consist of 100 or more contiguous spaces and the light sources are full-cutoff/fully shielded, the Borough may, at its sole discretion, based partially on mitigation of potential off-site impacts, allow a luminaire mounting height not to exceed 25' AFG. Luminaires not meeting full-cutoff or fully shielded criteria, when their use is specifically permitted by Borough, shall not be mounted in excess of 16' AFG. Mounting height shall be defined as the distance from the finished grade of the surface being illuminated to the optical center of the luminaire. For recreational lighting maximum mounting height requirements, refer to "Recreational Uses" elsewhere in the Ordinance.
- (j) Only the United States and the state flag shall be permitted to be illuminated past 11:00 p.m. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be shielded so the light source (lamp and reflector) is not visible at normal viewing angles.
- (k) Under-canopy lighting for such applications as gas/service stations, hotel/theater marquees, fast-food/bank/drugstore drive-ups, shall be accomplished using flat-lens full-cutoff luminaires aimed straight down and shielded in such a manner that the lowest opaque edge of the luminaire shall be below the light source and its light-directing surfaces, at all lateral angles around the luminaire. The average maintained illumination in the area directly below the canopy shall not exceed 20 initial footcandles, with no value exceeding 30 initial footcandles.

#### (5) Installation

- (a) Electrical feeds for lighting standards shall be run underground, not overhead and shall be in accordance with the NEC Handbook, IBC, and any other applicable codes.
  - (b) Poles supporting luminaires for the illumination of parking areas and located within the parking area or directly behind back-in parking spaces, or where they could be hit by snow plows or wide-swinging vehicles, shall be suitably protected by being placed a minimum of five (5) feet outside paved area or tire stops, or placed on concrete pedestals at least thirty (30) inches high above the pavement or suitably protected by steel bollards or other Borough-approved means.
  - (c) Pole mounted luminaires for lighting horizontal tasks shall be aimed straight down and poles shall be plumb.
  - (d) Poles and brackets for supporting luminaires shall be those specifically manufactured for that purpose and shall be designed and rated for the luminaire and mounting accessory weights and wind loads involved.
  - (e) Pole foundations shall be designed consistent with manufacturer's wind load requirements and local soil conditions involved and shall be approved by a qualified civil/structural engineer.
  - (f) Any employed shielding elements shall be permanently affixed to luminaire.
- (6) Maintenance - Luminaires and ancillary equipment shall be maintained so as to always meet the requirements of this Ordinance.

#### E. Residential Development Lighting

- (1) Street Lighting - For residential developments where lot sizes are or average less than 20,000 square feet, if Borough so directs, street lighting shall be provided at:
  - (a) the intersection of public roads with entrance roads to the proposed development,

- (b) intersections involving proposed public or non-public major-thoroughfare roads within the proposed development,
- (c) the apex of the curve of any major-thoroughfare road, public or non-public, within the proposed development, having a radius of 300 feet or less,
- (d) at the far end of cul-de-sac bulbs
- (e) terminal ends of center median islands having concrete structure curbing, trees and/or other fixed objects not having breakaway design for speeds of 25 m.p.h. or greater,
- (f) defined pedestrian crossings located within the development,
- (g) where lot sizes permit the parking of less than three (3) vehicles on the residential lot, thereby necessitating on-street parking
- (h) at other locations along the street as deemed necessary by the Borough

(2) Parking Spaces

- (a) In multi-family developments, common parking areas of four (4) spaces or greater shall be illuminated.
- (b) In residential developments with lots of less than twenty thousand (20,000) square feet, where four (4) or more common contiguous parking spaces are proposed, such spaces shall be illuminated.

(3) On-Lot Lighting - For subdivisions with lot sizes of 40,000 square feet or smaller, on-lot lighting shall be provided in accordance with the following restrictions:

(a) Lighting Fixtures

- (i) Floodlights, spotlights and other directional sources, whether for security, architectural/decorative, facade, landscaping, task lighting or recreational purposes, shall be located, aimed and shielded in a manner that prevents the lighted aperture of the source (direct glare) from being directly visible off premises.. LED light sources shall not exceed 2700K.
- (ii) Recreational lighting shall not project its light output beyond the recreational surface.
- (iii) Facade -mounted and post-top lights shall be fully shielded.

(b) On/Off Control

- (i) All exterior lighting, except security lighting, shall be extinguished nightly by no later than 11 p.m.
- (ii) Lighting intended for all-night safety/security purposes shall be motion-sensor controlled.

F. Recreational Uses - The nighttime illumination of outdoor recreational facilities for such aerial sports as baseball, basketball, soccer, tennis, track and field, and football typically necessitate higher than normally allowed fixture mounting heights and aiming angles, utilize very high-wattage lamps and potentially produce unacceptable levels of light trespass and glare when located near residential properties. Permission to illuminate such facilities shall be granted only when the Borough is satisfied that the health, safety and welfare rights of nearby property owners and the Borough as a whole have been properly protected. When recreational uses are specifically permitted by the Borough for operation during hours of darkness, the following requirements shall apply:

- (1) Racetracks and such recreational venues as golf driving ranges and trap-shooting facilities that necessitate the horizontal or near horizontal projection of illumination, shall not be permitted to be artificially illuminated.
- (2) Recreational facilities for basketball, baseball, football, soccer, miniature golf, tennis, or track shall not be illuminated if located within a residential district or sited on a nonresidential property located within 1,000 feet of a property containing a residential use.
- (3) Sporting events shall be timed to end at such time that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by park closure, regardless of such occurrences as extra innings or

overtimes.

- (4) Maximum mounting heights for recreational lighting shall be in accordance with the following:
- (a) Basketball 20'
  - (b) Football 70'
  - (c) Soccer 70'
  - (d) Little League Baseball
    - (i) 200' Radius 60'
    - (ii) 300' Radius 70'
  - (e) Lacrosse 70'
  - (f) Miniature Golf 20'
  - (g) Swimming Pool Aprons 20'
  - (h) Tennis 20'
  - (i) Track 20'
  - (j) Parks/Walking Paths 14'
- (5) Applications for illuminating recreational facilities should be accompanied not only with the information required under Section G below but also by a visual impact plan that contains the following:
- (a) Plan views containing a layout of the recreational facility and showing pole locations and the location of residences on adjoining properties.
  - (b) Elevations containing pole and fixture mounting heights, horizontal and vertical aiming angles, and fixture arrays for each pole location
  - (c) Elevations containing initial vertical illuminance plots at the boundary of the site, taken at a height of 5' line-of-sight
  - (d) Elevations containing initial vertical illuminance plots on the windowed facades of all residences facing and adjacent to the recreational facility. Such plots shall demonstrate compliance with the light trespass and glare control requirements of this Ordinance.
  - (e) Proposed frequency of use of the facility during hours of darkness on a month-by-month basis and proposed time when the sports lighting will be extinguished.
  - (f) A narrative describing the measures proposed to achieve minimum off-site disturbance.
- G. Plan Submission – For subdivision and land development applications where site lighting is required by this Ordinance, is otherwise required by the Borough, or is proposed by the Applicant, lighting plans shall be submitted for review and approval with the preliminary and final subdivision/land development plan applications and conditional use applications and shall contain the following:
- (1) A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type. The submission shall include, in addition to existing and proposed area lighting, all other exterior lighting, e.g., architectural, building-entrance, landscape, flag, sign, etc.
  - (2) A 10'x10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and

uniformity requirements as set forth in this Ordinance or as otherwise required by the Borough. When the scale of the plan, as judged by the Borough, makes a 10'x10' grid plot illegible, a larger grid spacing may be permitted.

- (3) Light-loss factors, IES candela test-filename, BUG rating, initial lamp-lumen ratings, and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the plotted illuminance levels
- (4) Description of proposed equipment, including luminaire catalog cuts, photometrics, glare reduction devices, lamps, lamp correlated color temperature, on/off control devices, mounting heights, pole foundation details, pole protection means and mounting methods.
- (5) Landscaping plans shall contain luminaire locations, demonstrating that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- (6) A visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare and to retain the intended character of the Borough. This plan may require the inclusion of initial vertical footcandle values at specific off-site venues, e.g., bedroom windows of adjacent residential uses.
- (7) Plan Notes – The following notes shall appear on the Lighting Plan:
  - (a) Post-approval alterations to lighting plans or intended substitutions for approved-plan specified lighting equipment shall be submitted to Borough for review and approval prior to installation. Requests for substitutions shall be accompanied by catalog cuts of the proposed equipment that demonstrate proposed substitution is equal to or exceeds the quality, optical characteristics and maintainability of the specified luminaires; and accompanied by a lighting plan, including a point-by-point plot, which demonstrates proposed substitutions will result in a lighting design that equals or exceeds the quality of the lighting on the approved plan
  - (b) Borough reserves the right to conduct post-installation inspections to verify compliance with Ordinance requirements and approved Lighting Plan commitments, and if deemed appropriate by the Borough, to require remedial action at no expense to Borough.
  - (c) All exterior lighting, including building-mounted lighting, shall meet IESNA full-cutoff or fully shielded criteria unless otherwise specifically approved by the Borough.
  - (d) Installer shall notify the Borough to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

#### H. Street Lighting Dedication

- (1) When street lighting is to be dedicated to Borough, Applicant shall be responsible for all costs involved in the lighting of streets and street intersections until the street is accepted for dedication.
- (2) Prior to dedication and in the event of the formation of a homeowner's association and/or property management declaration, Borough shall require said agency to enter into an agreement guaranteeing the Borough payment of all costs associated with dedicated street lighting.
- (3) Assumption of Costs of Dedicated Street Lighting – Upon dedication of public streets, the Borough shall assess the homeowners' association, individual property owners, or corporations, as may be necessary to collect all revenues required that are directly or indirectly associated with all costs of each specific street lighting fixture. These costs shall include:
  - (a) Administration
  - (b) Collection
  - (c) Pro-ration of non-payables

- (d) Actual utility electrical charges
- (e) Maintenance and maintenance contracts for maintenance of fixtures and associated equipment.

**§ 179-42 Stormwater management.**

- A. The developer shall submit a stormwater management plan in accordance with the Borough Stormwater Management Ordinance, as amended. The review of the stormwater plan under the Stormwater Management Ordinance shall proceed concurrently with review of the subdivision and or land development plan under this Chapter.
- B. All storm sewers and conveyance systems shall be connected to existing separated storm sewers or other stormwater conveyance system.
- C. Roof downspouts, exterior foundation drains, exterior stormwater drains or other sources of surface runoff or groundwater shall not be connected to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

**§ 179-43 Floodplain/flood-prone areas.**

- A. All subdivision and land development plans adjacent to a watercourse or within flood-prone areas shall be performed in compliance with the Floodplain Overlay Zoning District.

**§ 179-44 Water distribution system.**

- A. The developer shall provide the subdivision or land development with a complete water distribution system in accordance with the corresponding regulations of the local serving water authority / entity and PA DEP, as may be appropriate.
- B. All required water line improvements shall be extended to the boundary line of the development, as required. All such improvements shall be so designed as to accommodate the future needs of the Borough with respect to water service.
- C. The location of all fire hydrants shall be approved by the Borough Engineer and Fire Marshal. The water distribution system shall be constructed in accordance with the applicable standards of the local serving water authority/entity.
- D. The drawings for the installation of a water supply system's main or public lines shall be prepared by the developer and approved by the Borough's Water Utility Company.
- E. Upon the completion of the water system's installation, one paper and one electronic copy of the as built/record drawings for the system shall be filed with the Borough.
- F. Each lot within a land development or subdivision, containing a dwelling unit or other building, requiring water service, shall be connected to an individual water lateral if individual laterals do not already exist.
- G. Water mains shall be installed within a street right-of-way or utility easement. When installed in a street right-of-way, adequate space (alignment) shall be provided to incorporate green infrastructure in the parking/bike lane area of the street.

**§ 179-45 Sanitary sewers.**

- A. The developer shall provide the subdivision or land development with sanitary sewer lines and provide for connecting these lines to the Borough's existing sewer system. The sewer system to be provided includes the main line, sanitary lateral lines from main to right-of-way line, manholes and appurtenances, complete and ready for operation.
- B. The design and installation shall be subject to the approval of the Borough Engineer. The sanitary improvements shall also meet the applicable standard requirements of DEP and the Borough.
- C. Where applicable, the developer shall submit a Planning Module for Land Development to DEP, which shall

meet the requirements of the Pennsylvania Sewage Facilities Act 537 of 1966 as amended.

- D. The drawings for the installation of the sanitary sewer system shall be prepared by the developer and approved by the Borough Engineer.
- E. Upon the completion of the sanitary sewer system, one copy of the as built/record drawings for the system shall be filed with the Borough.
- F. Cross-connections between sanitary and storm sewer systems shall be strictly prohibited.
- G. Each lot within a subdivision or land development, containing a dwelling unit or other building, requiring sanitary sewer service, shall be connected to an individual sanitary sewer lateral if individual laterals do not already exist.
- H. Sewer mains shall be installed within a street right-of-way or utility easement. When installed in a street right-of-way, adequate space (alignment) shall be provided to incorporate green infrastructure in the parking/bike lane area of the street.

Chapter 179: SUBDIVISION AND LAND DEVELOPMENT

**Article VIII Traffic and Transportation**

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**§ 179-46 Purpose.**

In order to ensure that a proposed subdivision and land development plan promotes public safety and provides for safe and efficient access to and egress from a development as well as safe movement within the site, the plan shall take into consideration the movement of people and goods, which may include improvements or actions to accommodate increased traffic volumes; to facilitate turning movements; to allow for adequate sight distances; to ensure safe vehicular and pedestrian movements within parking lots and loading/unloading areas; and to promote pedestrian, bicycle and mass transit access to the site.

**§ 179-47 Design standard.**

- A. In order to assure that proposed developments take into consideration future levels of service, all proposed public and private streets, including alleys and internal circulation drives, as well as points of ingress and egress, shall be designed to adequately accommodate projected normal peak period traffic volumes of the development as well as the adjacent roadways at full build-out and occupancy, known as the opening year, and five years after full build-out and occupancy, known as the horizon year.
- B. The Borough has adopted a Complete Streets Policy, therefore all subdivision and land development projects shall include, where applicable, an interconnected network of transportation facilities that accommodates all modes of travel in a manner consistent with the community context and goals and that incorporates green infrastructure measures, where appropriate.

**§ 179-48 Traffic Impact Study.**

A Traffic Impact Study shall be required for certain developments as provided below. The study shall be prepared at the applicant’s expense and shall be submitted subject to the following criteria:

- A. Traffic Impact Study Pre-Application Meeting. Prior to the submission of any plans for a development, a meeting shall be held with Borough representatives to discuss the proposed development and Traffic Impact Study requirements. The applicant must provide sufficient evidence to justify the type of study to be conducted, as well as other study elements including but not limited to, the proposed study area, distance from any state roads, anticipated opening year, and horizon year. The applicant must receive approval of these elements from the Borough before proceeding with the study.
- B. Type of Traffic Study Required. The type of Traffic Impact Study to be performed will be based on the number of new vehicle trips generated by the proposed development project. The number of new vehicle trips shall be estimated by the applicant’s traffic engineer based on the methodologies outlined in the Institute of Transportation Engineers’ (ITE) publication Trip Generation Handbook, latest edition, or other methodologies as approved by the Borough. The Borough reserves the right to request a research study be conducted at a similar existing land use in order to establish the number of new vehicle trips.
- C. Trip generation estimates can consider reductions in the number of new vehicle trips as a result of pass-by and

diverted trips, re-use of an existing site, alternative modes of transportation (pedestrian, bicycle, and transit), as well as transportation demand management measures such as staggered start and end work times, telecommuting, utilization of transit, greenway or trail linkages, park and ride lots, etc. If travel demand management measures are used to justify a reduction in the number of new vehicle trips, the applicant and successors shall be bound by a recorded agreement to implement such measures. The terms and form of agreement shall be as mutually agreed upon by the Borough and the applicant.

D. A Traffic Impact Study prepared for PennDOT, in accordance with PennDOT policies and procedures, may be substituted to meet the Borough's Traffic Impact Study requirements, provided the Borough's requirements have been addressed.

E. The Traffic Impact Study; when required, must be prepared under the supervision of a qualified professional engineer licensed and registered to practice in the Commonwealth of Pennsylvania with specific training and experience in traffic and transportation engineering.

(1) Abbreviated Traffic Impact Study. Whenever a proposed development project will generate fifty (50) to ninety-nine (99) new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour, the applicant shall perform an Abbreviated Traffic Impact Study.

(2) Comprehensive Traffic Impact Study. Whenever a proposed development project will generate one hundred (100) or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour or generate an Average Daily Traffic (ADT) of greater than three thousand (3,000) new vehicle trips, the applicant shall perform a Comprehensive Traffic Impact Study.

(3) In addition, a Comprehensive Traffic Impact Study shall be prepared by the applicant at the discretion of the Borough whenever either of the following conditions exist:

(a) Current traffic problems exist in the local area or neighborhood, including but not limited to a high crash location, confusing intersection, or a congested intersection that directly affects access to the development.

(b) The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle the increased traffic is limited.

(4) The Applicant shall submit a copy of the Traffic Study for courtesy review by PennDOT upon request by the Borough.

F. Traffic Impact Study Area Definition

(1) Abbreviated Traffic Impact Study Area. The study area shall only include all proposed site access intersections.

(2) Comprehensive Traffic Impact Study Area. The study shall include all intersections expected to be impacted by a total of fifty (50) or more new trips during any peak hour or a total of five hundred (500) new trips during an average day. The study area shall also include all proposed site access intersections.

G. Traffic Impact Study Requirements. The following requirements apply to both Comprehensive and Abbreviated Traffic Impact Studies.

(1) Time Periods of Study – The time periods to be studied shall be identified at the Traffic Impact Study Scoping Meeting. At a minimum, however, the traffic impact study must address the morning and afternoon peak hours of the adjacent street traffic during a typical weekday. For retail developments, the Saturday peak hour of generator shall also be addressed. Those proposed developments expected to have a site-generated peak hour(s) that differs from the peak hours of the adjacent street traffic must also include an analysis for the peak hour(s) of the generator.

(2) Data Collection – Traffic volume data shall be obtained for the time periods and study area roadways/intersections agreed upon during the Traffic Impact Study Scoping Meeting. Traffic counts shall

also record the number of heavy vehicles, pedestrians, and bicycles.

- (3) Traffic Forecasts – Traffic forecasts shall be developed for opening year and horizon year scenarios with and without the proposed development traffic. The opening year should be the year when full build-out and occupancy is expected. The horizon year shall be assumed to be five years after the opening year.
- (4) Background Traffic – Background traffic shall be estimated by combination of a growth factor and considering planned development in the area. The growth factor shall be established by reviewing historical traffic volumes or utilizing the most recent PennDOT growth factors. Anticipated traffic from planned development potentially impacting the study area with preliminary or final plan approval shall also be included. These developments may fall within or outside of the Borough.
- (5) Trip Generation – The Traffic Impact Study shall include a table showing the land use categories and sizes (number of units, square footage, etc.) for both the proposed development project and other planned developments, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and the resulting number of trips. Trip generation estimates shall be developed as prescribed in subsection B of this Section.
- (6) Trip Distribution – Trip distribution should be estimated by using a gravity model. In absence of a gravity model, trip distribution can be estimated based on consideration of the following:
  - (a) Existing traffic patterns in the vicinity of the proposed development.
  - (b) The location of major highways and parking facilities.
  - (c) The trip distribution pattern of a nearby similar facility.
  - (d) Travel times in and around the proposed development.

Supporting data and calculations must be provided for verification of the trip distribution pattern.

- (7) Trip Assignment – Trip assignments must be made considering logical routings, available roadway/intersection capacity, left turns at critical intersections, and projected and perceived minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates rather than assigning all trips to the route with the shortest travel time. When the site has more than one (1) access or driveway, logical routing and possible multiple paths should be used to obtain realistic access or driveway volumes. For large development projects, as identified during the Traffic Impact Study Scoping Meeting, the assignments must be carried through the internal roadways/intersections. Assignments can be accomplished either manually or with applicable computer models.
- (8) Capacity Analysis – A capacity analysis must be conducted for the following scenarios:
  - (a) Existing traffic volumes
  - (b) Opening year traffic volumes without proposed development traffic
  - (c) Opening year traffic volumes with proposed development traffic
  - (d) Horizon year traffic volumes without proposed development traffic
  - (e) Horizon year traffic volumes with proposed development traffic

Capacity analyses must be performed for each intersection within the study area, including the site access intersections. In addition, analyses may be required for roadway segments deemed sensitive to site traffic within the study area as determined by the Borough, such as weaving sections, ramps, internal site roadways, parking facility access points, and vehicle queuing areas on- and off-site. Other locations may be deemed appropriate depending on the situation.

All capacity analyses must be performed in accordance with the methodologies outlined in the most current version of the Highway Capacity Manual published by the USDOT. The results of the analysis shall be

summarized in tabular format.

- (9) Level of Service (LOS) Requirements – The recommendations of the traffic study shall provide safe and efficient movement of traffic while minimizing the impact to non-site trips and other modes of transportation. The operating LOS and delay for the opening and horizon years must be compared for the scenarios without and with proposed development traffic to determine if there is a drop in LOS as a result of the development (or increase in travel delay if the location operates at LOS F without proposed development traffic). If the analysis indicates there is a drop in LOS, the applicant will be required to mitigate the LOS if the increase in overall intersection delay is greater than 10 seconds. If the overall intersection delay increase is less than or equal to 10 seconds, mitigation of the intersection LOS will not be required, however, critical lanes or approaches may still need to be addressed with mitigation. If mitigation is necessary for locations where the LOS without the development is LOS F, the proposed improvements shall provide an estimated delay which will be no worse than the scenario without development traffic. New signalized or unsignalized intersections established to serve as access to the proposed development shall be designed to operate at a minimum LOS C.
  - (10) Turn Lane Warrant Analysis – A turn lane warrant analysis shall be conducted for all intersections in accordance with current PennDOT methodology to determine if auxiliary lanes are necessary if not already present. The analysis shall be conducted for the scenarios identified in subsection (8). The results of the analysis shall be summarized in tabular format.
  - (11) Queue Analysis – A queue analysis shall be conducted for all intersection auxiliary lanes utilizing the 95% queue methodologies outlined in the most recent edition of the Highway Capacity Manual. The analysis shall be conducted for the scenarios identified in subsection g (8) above. The analysis shall determine if site traffic from proposed development will cause queued traffic to spill from the auxiliary lane into the adjacent through lanes. The results of the analysis shall be provided in tabular format.
  - (12) Alternative Transportation Solutions – If the LOS and delay requirements are not met and improvements required to mitigate the impacts are impractical or infeasible, the applicant may propose alternative transportation solutions that will enable the future improvement of conditions for motorists, pedestrians, bicyclists, and transit users. Example alternative solutions may include:
    - (a) Alternative routes
    - (b) Access management
    - (c) Multi-modal plans (pedestrians, bicycles, transit)
    - (d) Park and ride facilities
    - (e) Intelligent transportation systems
    - (f) Traffic calmingThe acceptance of alternative transportation solutions as mitigation is at the sole discretion of the Borough.
  - (13) Safety Analysis – A safety analysis of the study area roadways/intersections shall be conducted. The most recent five years of crash data should be obtained and summarized to determine if any crash patterns exist along with possible mitigation measures.
  - (14) Complete Streets – All studies should address the Complete Streets Policy adopted by the Borough to accommodate all users of the transportation system including but not limited to pedestrians, bicyclists, transit users, peoples with disabilities, the elderly, emergency responders, motorists, freight providers, and adjacent land uses. Applicable alternative transportation solutions identified as mitigation measures can be used to justify the ability to meet the policy.
- H. Documentation – A Traffic Impact Study report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study. The report shall follow the following outline:
- (1) Executive Summary – A brief (maximum two pages) summary of the study’s purpose, conclusions, and

recommendations.

- (2) Introduction – A brief, descriptive summary of the proposed development and study area. A site plan should be included in an appendix to the report.
- (3) Existing Study Area Conditions – A description of the existing traffic conditions, land use context, roadway and intersection types, pedestrian accommodations, and traffic controls in the study area.
- (4) Data Collection – A summary of the traffic data collected for the study, to be displayed in tabular and/or graphical format. The raw traffic data shall be included in an appendix to the report.
- (5) Background Traffic – A description of proposed developments with preliminary or final plan approval included in the study as well as the background traffic growth rate and calculation.
- (6) Trip Generation – A summary of the trip generation estimates for the proposed development as well as a description of the trip distribution and assignment assumptions. A graphic shall be provided depicting the site generated traffic volumes for the study area roadway network.
- (7) Future Traffic Volumes – A description and graphical display of the projected future traffic volumes for the following scenarios:
  - (a) Opening year traffic volumes without proposed development traffic
  - (b) Opening year traffic volumes with proposed development traffic
  - (c) Horizon year traffic volumes without proposed development traffic
  - (d) Horizon year traffic volumes with proposed development traffic.
- (8) Capacity Analysis – Summary of the capacity, queue, and auxiliary lane analyses for all scenarios as well as an identification of the recommendations for site access and transportation improvements necessary to maintain acceptable operating conditions.
- (9) Safety Analysis – Summary of the crash data obtained for the study.
- (10) Complete Streets Evaluation – A summary of the proposed development’s ability to meet the requirements of the Borough’s Complete Streets Policy.

The study documentation outlined above provides a framework for the Traffic Impact Study, and shall include all of the aforementioned components, unless the applicant can demonstrate credible evidence, and it is agreed upon by the Borough, that certain components are not necessary for certain projects. Additionally, specific issues to be addressed, local study requirements, and study results may warrant additional sections.

- I. Responsibility for Improvements – Based upon the findings and recommendations of the Traffic Impact Study (regardless of type), to the extent permitted by law, the applicant shall be responsible for the transportation related improvements required to provide safe and convenient ingress and egress to the development site and the same shall be incorporated into the subdivision and/or land development plan and implemented and installed at the applicant’s expense.

In some instances, as alluded to in subsection § 179-48 G(12) above, the improvements may not be technically feasible or may be beyond the scope of what is legally required of the developer. As such, in these cases, the Borough reserves the right to negotiate with the proposed developer for the purposes of identifying and mutually agreeing to transportation improvements that may not directly address conditions but would provide for an overall improvement in secondary transportation modes such as pedestrian/bicycle paths, facilities, or other street related improvements (such as traffic calming, street pavement conditions, interconnections, etc.).

#### **§ 179-49 Parking lot safety.**

Parking lots shall be designed to allow for the safe flow of vehicular and pedestrian traffic in accordance with Borough Zoning Ordinance and Chapter 143, Parking Lots, of the Camp Hill Borough Code.

**§ 179-50 Plan approval.**

- A. The Traffic Impact Study shall be submitted as part of the Preliminary or Final Plan submission. Based on a review of the study by the Borough, a resubmission(s) may be required to address identified deficiencies or items requiring further study. The timing of resubmission(s) will be identified in concurrence with the Borough.
- B. Preliminary plan approval may be conditioned upon the applicant's provision of traffic and pedestrian safety analysis and/or traffic impact studies reasonably acceptable to Borough Council as well as upon the applicant's offer of mitigation proposals to achieve the performance standards set forth in Article VIII§ 179-48.
- C. In those instances where the developer proceeds with the installation of the required improvements following unconditional preliminary plan approval or the satisfaction of all preliminary plan conditions, the final plan approval may be conditioned upon implementation of adequate traffic improvements/facilities as determined by Council.

**Article IX Landscaping and Screening**

Throughout this Article, this symbol (▲) denotes items that promote a more sustainable low impact development (LID) approach to landscape and screening.

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**§ 179-51 Purpose.**

The purpose of these regulations is to ensure environmentally sensitive site planning which further is intended to foster aesthetically pleasing developments by enhancing the biodiversity, reducing the atmospheric carbon, improving water quality, filtering the air and reducing toxic chemicals in the environment and increasing the compatibility of adjacent land uses so as to minimize the harmful impacts of noise, dust, headlight glare, artificial light intrusions, and other objectionable activities. These regulations are intended to promote the prudent use of water, energy resources, and sustainability through habitat preservation areas, wetlands, stream bank buffers, wooded areas, and existing native vegetation and trees.

A. Broader Objectives include:

- (1) Prohibit clear-cutting of property
- (2) Protect and increase the value of residential and non-residential properties within the Borough.
- (3) Maintain and enhance a positive image for the attraction of new and adaptive redevelopment of residential and nonresidential land uses to the Borough.
- (4) Protect healthy quality trees and promote the natural, ecological, environmental, and aesthetic qualities of the Borough.
- (5) Emphasize the importance of trees and vegetation as both physical and visual barriers.
- (6) Maintain the moisture levels in the area of lands with natural tree cover.
- (7) Prevent soil erosion.

- (8) Minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters by facilitating natural drainage systems and amelioration of storm water drainage problems.
- (9) Provide shade.
- (10) Conserve natural resources.
- (11) Enhance the habitat and food source for birds and other wildlife, which in turn controls the insect populations and maintains the balance of natural ecosystems.

### § 179-52 Application.

- A. Any application for Land Development shall require a landscape plan as described herein, unless otherwise waived. No permit shall be issued without Borough approval of such landscape plan. All landscaping materials are to be guaranteed for a minimum of one year after installation and acceptance by the Borough.
- (1) Low Impact Development (LID) Stormwater BMP's may be incorporated into required landscaping (i.e. Bioretention, Rain Gardens, Bioswales, etc.) provided the site conditions make LID feasible and that the intent of the required landscaping is not compromised.
  - (2) Landscaping plans shall include provisions for the following types of landscaping, as applicable:
    - (a) Parking Lot Landscaping
      - (i) Interior Parking Lot Landscaping
      - (ii) Perimeter Parking Lot Landscaping
    - (b) Building Base Landscaping
    - (c) Landscape Buffer Yard
    - (d) Screening
  - (3) All landscape plans shall contain the following information:
    - (a) The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, curbs, bicycle paths, ground signs, trash receptacle enclosures and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, recreational facilities, power lines (identify type of line such as transmission), transformers, irrigation systems, and other freestanding structural features including Structural Stormwater BMP's . ▲
    - (b) On the adjacent properties within 20-feet of the site, include the location of existing buildings, structures, and plant materials. Include location, type, quantity, size, and name of plant materials.
    - (c) The location, type, quantity, size, and name (both botanical and common), of all existing plant materials. The notation of all trees with a diameter of six (6) inches or greater at a point four (4) feet above grade, as well as details of the estimated canopy size, health, and whether the tree is to be retained or removed.
    - (d) The location, type, quantity, size, and name (both botanical and common), of all proposed plant materials including but not limited to trees, shrubs, groundcover, annuals/perennials, and turf. The canopy spread shall be denoted on the plans for all trees.
    - (e) Existing and proposed grading of the site indicating contours at two (2) foot intervals, including identification of areas with slopes greater than 10% and 15%. Proposed berming shall be indicated using one (1) foot contour intervals.
    - (f) Elevations of all fences and retaining walls proposed for location on the site.
    - (g) Elevations, cross-sections, and other details as determined necessary by Borough staff.

- (h) Summary data indicating the area of the site in the following conditions:
- (i) Total area and percentage of the site in landscaped area.
  - (ii) Total area and percentage of the site in domestic turf grasses.
- (4) Where the required landscape area exceeds one thousand (1,000) square feet in aggregate, the landscape plan must be prepared by a landscape architect licensed in Pennsylvania. A landscape contractor may prepare the landscape plan for either a ground sign application or a designation sign application only.
- (5) Landscaping shall not be located within drainage and/or utility easements. However, when landscaping is used as a Stormwater Best Management Practice (BMP), the BMP must be protected by a stormwater easement to prevent damage from other utility work or encroachments and/or from the space becoming reallocated for other purposes and to ensure perpetuity of the BMP. These BMPs are regulated under the Borough's Post Construction Stormwater Management (PCSM) ordinance and required to be inventoried and inspected for compliance of maintenance and proper function. Drainage easements shall adjoin a major LID practice to allow for overflow/high flow events and or 100-year flood event.
- (6) Areas to be landscaped shall not be used for incompatible purposes, such as waste dumps, during construction. Any material such as construction debris shall be removed prior to the placement of topsoil.
- (7) No topsoil shall be removed from the site.
- (8) Plants for landscaping shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project.
- (9) All trees, shrubs, and plants shall have a normal habit of growth; shall be sound, healthy, and vigorous; and shall be free from disease, insects, insect eggs and larvae.
- (10) No aggressive, noxious, or invasive plants classified as such by the PA Department of Conservation and Natural Resources shall be utilized.
- (11) The type(s) of plantings shall be limited to species that will not create conditions hazardous to the public safety within public street rights-of-way, underground and above-ground utilities, and at all intersections of streets and/or driveways or associated clear sight triangles. Such hazards shall include but not be limited to: dead, diseased, or low hanging branches; poisonous or toxic plants; and plants with thorns, nettles, and spikes.
- (12) The locations, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as moisture and sunlight.
- (13) Methods and details for protecting existing vegetation during construction shall be provided on the Landscape Plan.
- (14) All required landscaping on an individual lot shall be installed prior to issuance of Certificate of Use. It shall be the responsibility of the landowner to maintain all landscaping in accordance with the standards of this Article.
- (15) Suitability of the plant materials based upon the site's geology, hydrology, soils, exposure to sun and wind, and microclimate.
- (16) Objectives of the plantings may include, but not be limited to, visual screening, noise abatement, heat reduction, energy conservation and native wildlife habitat enhancement, rooting pattern, and leafing properties.
- (17) Maintenance and replacement considerations such as hardiness, longevity, and availability of plant materials, as well as resistance to insects and disease.
- (18) Plants shall not be placed where they might interfere with the construction, use, or maintenance of any public or private sewage disposal systems, rights-of-way or easements, water supply or other utility/facility including

sidewalks, lighting, paths, and trails.

### § 179-53 Definitions.

**Berm (mound)** – A man-made landscape feature used for screening in which earth is piled up in irregular, round, oblong shapes. Berms do not have consistent crest elevations but are irregular, creating a more natural landscape feature.

**Best Management Practice (BMP)** - can refer to structural measures (wetlands, ponds, sand filters, etc.) or nonstructural measures (covenant restrictions, reduced impervious area, etc.). BMPs are designed for the benefit of water quality and quantity.

**Bioretention Facilities (rain gardens)** – A stormwater management system that uses soil and plants to absorb stormwater runoff and to capture pollutants. These are small, landscaped basins intended to provide water quality management by filtering stormwater runoff before release into a storm drain system.

**Bioswale** - A bioswale is a shallow depression created in the earth to accept and convey stormwater runoff. A bioswale uses natural means, including vegetation and soil, to treat stormwater by filtering out contaminants being conveyed in the water.

**Buffering** – Any means of protecting an area of land from the adverse visual and suitable effects of another area, which may include trees, shrubs, walls, fences, berms/mounds, space or related landscaping features required under the Zoning Ordinance for buffering lots, parcels, etc., from adjacent properties or public rights-of-way for the purpose of increasing visual shielding or other aspects of privacy or aesthetics.

**Caliper** – The American Association of Nurserymen Standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground for up to and including four-inch caliper sizes, and twelve inches above the ground for larger trees.

**Canopy Cover** – The percent of a fixed area covered by the crown of an individual plant species or delimited by the vertical projection of its outermost perimeter. Small openings in the crown are included.

**Critical Root Zone** – The area of undisturbed natural soil around a tree defined by a horizontal circle drawn at grade with the center being the center of the trunk of the tree and a radius equal to the distance from the trunk to the outermost portion of the drip line.

**Crown** – The portion of the tree comprising the branches.

**Crown Width (Diameter)** – The span of the crown of a tree or shrub.

**Drip line** – The vertical line encompassing the outermost portions of the tree canopy extending to the ground.

**Groundcover** – A species of low-growing plant used for the purpose of growing over an area of ground.

**Invasive Plant Species** – An alien species that is not native to the ecosystem under consideration and whose introduction does or is likely to cause economic or environmental harm or harm to human, animal, or plant health.

**Landscape Area** – Areas on or adjacent to a lot or right-of-way or the perimeter of a development that are identified for application of landscaping regulations. Landscape areas include street tree plantings, parking lots including islands and perimeter, foundation planting areas, building base landscaping areas, peripheral buffer yard areas, LID Stormwater BMPs, and retention/detention pond areas.

**Landscape Buffer Yard** – An area adjacent to the front, side, and rear property lines of a development, measured perpendicularly from and parallel to adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent properties and rights of way, or to maintain natural features, or as required by the Zoning Ordinance. Buffers help to maintain existing trees and natural vegetation, to block or reduce noise, glare, or other emissions and to maintain privacy. Landscape buffer yards are in addition to and separate from front, side, and rear yard setbacks and such landscape buffer yards are not contained within any lots. This area is common area to be maintained by the property owners, homeowners association, developer(s) and/or another entity

approved by the Borough.

**Landscape Island** – A landscape area defined by a curb or edge of pavements and surrounded on all sides by pavement. To function as a LID Stormwater BMP, the landscape island shall be at a lower grade than the surrounding pavement and strategic breaks in the curbing shall allow drainage from pavement to enter into recessed landscape area.

**Landscape Materials** – Trees, shrubs, grasses, plants, decorative fences, walls, berms, irrigation systems, flower beds, ground cover, and edging. Xeriscaping landscape materials are encouraged to function as LID Stormwater BMPs. Artificial trees, shrubs, grasses, plants, flowers, and groundcover are not considered landscape materials. ▲

**Landscape Peninsula** – A landscaped area defined by a curb or edge of pavement and surrounded by paving on three sides. To function as a LID stormwater BMP, the landscape peninsula shall be at a lower grade than the surrounding pavement and strategic breaks in the curbing shall allow drainage from pavement to enter into recessed landscape area. ▲

**Landscape Plan** – A scaled drawing, prepared and sealed by a licensed landscape architect or a landscape contractor, showing all plant materials including locations, sizes, species (botanical and common names) at the time of planting. The mature tree canopy size shall be included.

**Landscape, Structure (Hardscape)** – Decorative fences, walls, retaining walls, decorative rocks, pavers, fountains, or like materials.

**Low Impact Development (LID)** – A land planning and engineering design approach with a goal of replicating the pre-development hydrologic regime of urban and developing watersheds. The primary goal of LID is to mimic a site's pre-development hydrology by reducing the impervious surface, infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

**Natural Areas** – Any critical area such as floodplains, wetlands, high tree concentrations, critical habitats that contain rare, threatened, or endangered species, wooded slopes, wooded or partially wooded streams, woodlands, and riparian areas.

**Permeable Pavers** – Any kind of pavement constructed of material that allows water to penetrate and drain into underlying soils.

**Rain Garden** (See Bioretention Facility)

**Registered Landscape Architect** – An architect, specializing in landscaping, properly licensed and registered in the Commonwealth of Pennsylvania or through reciprocity permitted to practice in the Commonwealth of Pennsylvania.

**Screening**—A structure erected, or vegetation planted which eventually is of sufficient height and density for concealing an area from view.

**Spread** – A term used to indicate the horizontal width of a shrub or the crown of a tree.

**Street Trees**—Trees growing on public rights-of-way except for alleys and for medians contained within subdivisions.

**Large Shade** – any tree the height of which is forty (40) feet or greater at maturity and having a limb spread of thirty (30) feet or more at maturity and has a spreading canopy that screens the sun.

**Medium Shade** – any tree of which has a mature height of twenty-five (25) to forty (40) feet and has a spreading canopy that screens the sun.

**Small Shade** – any tree of which has a mature height of less than twenty-five (25) feet and has a spreading canopy that screens the sun.

**Vegetative Screen** – A visual barrier of vegetation with dense foliage used to block aesthetically intrusive land uses from view.

**Woodland** –Land covered with a dense growth of trees usually greater in extent than a grove and smaller than a forest.

### § 179-54 Design Standards and Guidelines.

Landscape plans described above shall be prepared and reviewed based on the following design standards and guidelines. Design standards are objectively measurable design requirements that can be definitively evaluated for compliance. Design guidelines are not precisely measurable, but compliance can be determined through the evaluation process of site plan review.

#### A. Design Guidelines

- (1) **Plant Materials** - Plant materials used in conformance with the provisions of this Section shall be of good quality, disease and pest free at planting, and of a species normally grown in Central Pennsylvania, and capable of withstanding the extremes of individual site microclimates. Plant material shall be selected for interest in its structure, texture, color, and for its ultimate growth. A variety of compatible species should be included in the planting plan for a specific site or development. The use of drought tolerant- plant material is preferred. The use of salt-tolerant plant material is preferred for landscaping in or near the rights-of-way.
  - (a) The primary landscaping materials used in and around private parking areas shall be trees that provide shade at maturity. Shrubs, groundcover, and other planting materials may be used to compliment tree landscaping, as described above but shall not be the sole contribution to the landscaping.
  - (b) The primary landscaping materials used in the landscape buffer yards and adjacent to the buildings shall be shade trees, ornamental trees, evergreen trees, shrubs, and groundcovers and other planting materials.
  - (c) The primary landscaping materials used in LID stormwater BMPs shall be trees, shrubs, and herbaceous vegetation that are able to tolerate and thrive at various depths and lengths of inundation.
- (2) **Softening of Walls and Fences** - Trees and shrubs should be placed at least every 10 feet against long expanses of building walls, fences, and other barriers to create a softening effect.
- (3) **Clearance** - Trees shall be planted so that when they reach maturity there will be a minimum of ten (10) feet of clearance between the tree trunks and structures, buildings, overhangs, walls, fences, and/or other trees.
- (4) **Scale and Nature of Landscaping Material** - The scale and nature of landscaping materials shall be appropriate to the size of the structures. Form, texture, color, pattern of growth, and adaptability to local conditions shall be considered when selecting plant materials.
- (5) **Evergreens** - Evergreens should be incorporated into the landscape treatment of a site, particularly in those areas where screening and buffering are required.
- (6) **Planting Beds** - Planting beds should be mulched but mulch shall not be used as a substitute for plant materials.
- (7) **Preservation of Existing Plant Materials** - Existing plant material should be incorporated into the landscaping treatment of a site. The preservation of natural features and landscaping is a criterion for subdivision and planned development review. See Natural Area Protection section for additional requirements.
- (8) **Protection of Plant Materials**
  - (a) The interior dimensions, specifications, and design of any planting area or planting median proposed to be constructed shall be sufficient to protect the landscaping materials planted therein and to provide for proper growth.
  - (b) Clearance of trees and vegetation during the land development process shall be limited to that necessary for and directly related to the construction of improvements specifically authorized by the improvement location permit.
  - (c) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards or other devices.

- (d) Landscaping installed adjacent to parking areas shall require that all plant materials are set back from the edge of the pavement/concrete a sufficient distance so that parked vehicles do not over-hang the landscape area and destroy or damage the plant materials.
- (9) Designing for Safety - Landscaping shall not be approved which would inhibit or make more difficult the use of emergency vehicles and all approved landscaping plans will give consideration to safety precautions which will protect both vehicular and the pedestrian public. Landscaping modifications will also be considered for public buildings, including schools, to allow for greater visibility and allow for natural surveillance around the building structure. Plantings in landscaping areas shall not obstruct line-of-sight or vision corner clearance areas. To maintain site lines, trees shall be planted a minimum of twenty (20) feet from the curb of intersecting streets, five (5) feet from a driveway, and ten (10) feet from a street light or street regulatory or warning signs.
- (10) Detention/Retention Basins and Ponds - Detention/Retention basins and ponds shall be landscaped. Such landscaping should include shade and ornamental trees, evergreens, shrubs, hedges, turf, groundcover, and other plant materials. To enhance the stormwater quality benefit of detention/retention basins and ponds, native plants shall be used to filter and trap harmful sediments and pollutants before they reach the basin or pond.
- (11) LID Stormwater BMPs - LID Stormwater BMPs shall be landscaped. Areas included in rain gardens or vegetated sites including features created to meet Stormwater Management Requirements per Chapter 174, Stormwater Management Ordinance and any amendments thereto shall be counted toward any interior site or parking lot landscaping, and if vegetated to meet the requirements for landscaped buffers shall count towards those buffer requirements.
- (12) Domestic Turf Grasses - Domestic turf grasses should be used in areas with little or no slope to prevent the runoff or irrigation water.
- (13) Energy Conservation - Plant material placement will be designed to reduce the energy consumption needs of the development.
- (a) Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.
- (b) Evergreen and other plant materials should be concentrated on the north side of buildings to dissipate the effect of winter winds.
- (14) Height of Landscaping
- (a) Where proposed landscaping or screening is to abut a public road or parking area, the measured height of materials used shall be based on the grade of the abutting road or parking area and the top of the material used.
- (b) Where a proposed landscape or screening area is to abut an adjoining neighbor's property line, the measured height of materials used shall be based on the grade of the abutting property line and the top the material used.
- (15) Noise Reduction - Properties adjacent to highly traveled roads, and/or commercial or industrial uses shall arrange landscaping to reduce the intensity of noise by reflecting, deflecting, or absorbing sound. Earth berms, walls, fences, and/or plantings providing physical separation are examples of techniques to reduce or absorb noise.

## B. Design Standards

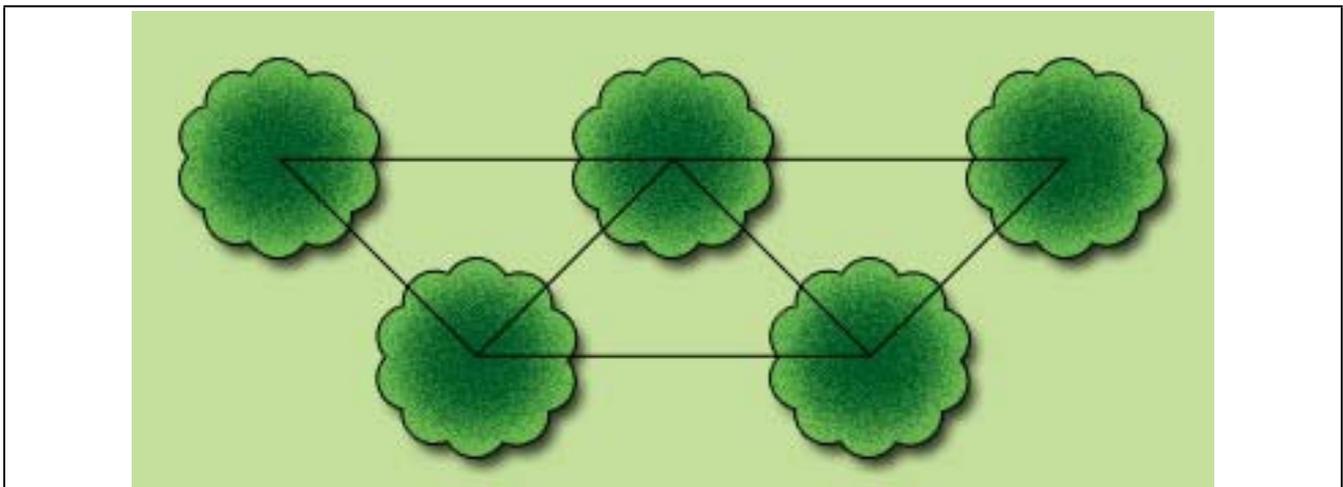
- (1) Selection - Permitted plant materials are outlined in Table 9.1 and the following: All plants shall conform to the American Standard for Nursery Stock (ANSI Z60.1) size and width specifications. Landscape plantings shall make use of native and noninvasive species unless otherwise specifically approved by the Borough.
- (a) Canopy Trees - Unless otherwise noted, all canopy trees proposed to be used in accordance with this

classification shall be a minimum of twelve (12) feet in height and have a minimum trunk caliper of two and one-half (2.5) inches at the time of planting twelve (12) inches above the grade. The trees should be of a variety, which will attain an average mature spread greater than thirty-five (35) feet. Canopy trees that are multi-stemmed must be a minimum of twelve (12) feet in height and have a minimum of three (3) stems at the time of planting.

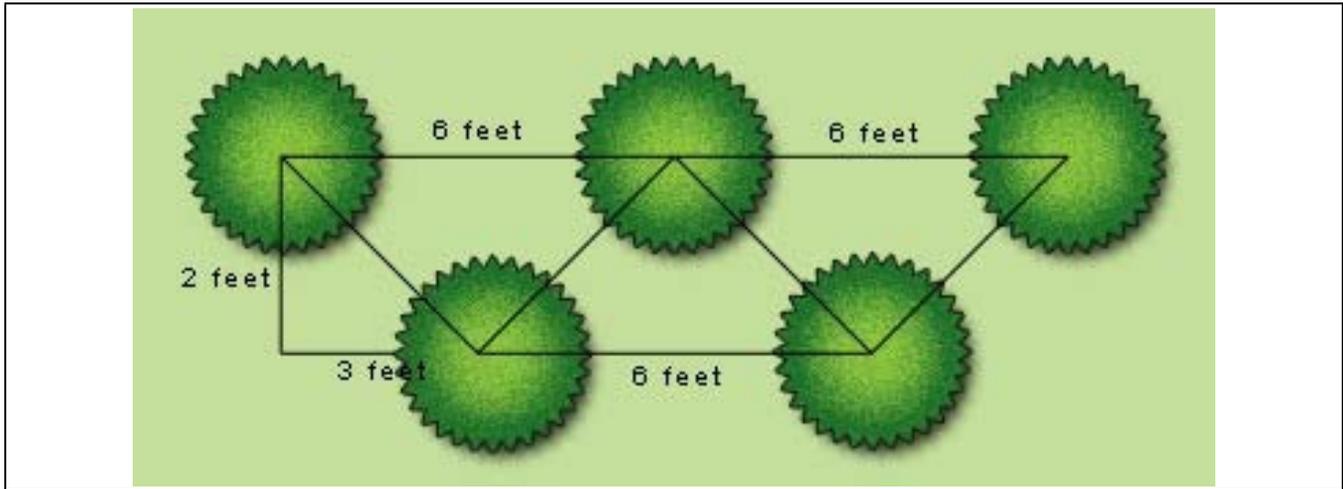
- (b) Understory Trees - All understory trees proposed to be used in accordance with this classification shall be a minimum of eight (8) feet in height and have a minimum trunk caliper of one and one-half (1.5) inches at the time of planting. They should be of a variety that will attain an average mature height of greater than fifteen (15) feet. Understory trees that are multi-stemmed must be a minimum of eight (8) feet in height and have a minimum of three (3) stems at the time of planting.
- (c) Evergreen Trees - All evergreen trees proposed to be used in accordance with this classification shall be a minimum of six (6) feet in height at the time of planting. They should be of a variety that will attain an average mature height of greater than fifteen (15) feet.
- (d) Evergreen Understory Trees - All evergreen understory trees proposed to be used in accordance with this classification shall be a minimum of six (6) feet in height at the time of planting. They should be of a variety that will attain an average mature height of equal to or less than fifteen (15) feet.
- (e) Evergreen Shrubs - Unless otherwise noted, all shrubs to be used in accordance with this classification shall have a minimum height of eighteen (18) inches at the time of planting and a maximum height of four (4) feet at maturity. Shrubs used to form hedges shall be of a non-deciduous species and shall be spaced not more than thirty-six (36) inches apart so as to form a continuous visual screen and a minimum of thirty-six (36) inches in height above grade.
- (f) Deciduous Shrubs - Unless otherwise noted, all shrubs to be used in accordance with this classification shall have a minimum height of eighteen (18) inches at the time of planting and a maximum height of four (4) feet at maturity.
- (g) Ornamental Grasses - All ornamental grasses used in accordance with this classification shall be a minimum height of twenty-four (24) inches at the time of planting and a maximum height of four (4) feet at maturity. Ornamental grasses may be used to supplement shrub plantings within perimeter parking landscape areas and interior parking islands but shall not constitute more than twenty (20) percent of plantings in these areas. Normal maintenance of ornamental grasses constitutes trimming back the grasses to no more than four (4) inches in height in the spring of each year.
- (h) Native Meadow Grasses and/or Wildflowers - Due to circumstances where maintaining large areas of turf grasses is impractical or difficult, establishing an area of native meadow grasses or wildflowers, may be permitted at the discretion of the Borough, under the following conditions:
  - (i) Must be set back from the property lines by a minimum of five (5) feet. The setback is not required where the defined landscape area abuts another similar private or public landscape area.
  - (ii) Must be a minimum of fifteen (15) feet from any building foundation.
  - (iii) Must be maintained at least once per year through mowing.

Table 9.1. Additional Permitted Landscape Materials	
Trees	Permitted – See this Section
Shrubs and Grasses	Permitted – See this Section
Evergreen Groundcover	Permitted if less than 30 inches in height at maturity
Flowers	Permitted but cannot exceed fifty (50) percent of planting area and shall not exceed thirty-six (36) inches in height at maturity.
Turf	Permitted
Bark and Mulch	Permitted but cannot exceed seventy-five (75) percent of the planting area and in combination with vegetation.
Rocks, Stone, and Gravel	These materials may be used as building base landscaping material only. Landscaping rock and stone are permitted provided in meets a minimum of ¾ inch and maximum of 1 ½ inch in size.
Other Impervious Materials (brick pavers, concrete pavers, decorative concrete)	Permitted in planting areas under twenty-four (24) inches wide in lieu of plants. Asphalt is prohibited.

- (i) Prohibited Landscape Materials - Prohibited landscape materials include rocks, gravel, stone, asphalt, used in internal and perimeter parking lots areas and landscape buffer yards, and invasive species. Flowering species such as roses may be authorized by the Borough.
- (2) Clustering of Trees - Where trees are required based on a linear footage calculation, it may be possible for these trees to be planted in clusters as opposed to being evenly space in a line. In the case where clustering is used, no tree shall be located any closer than ten (10) feet, or any further than fifty (50) feet from the next closest required tree. Any such clustering plan must be approved by the Borough prior to installation of the landscaping.
- (3) Staggering Requirement for Trees and Shrubs - When required for perimeter parking landscaping and buffering, trees and shrubs may be required to be planted in staggered rows to provide the effective diagonal planting of the plants.
  - (a) Tree Staggering - These rows should be planted in a manner to provide for equal spacing both in width and depth between each plant.



- (b) Shrub Staggering - Shrubs should be planted in an alternating pattern formed by two rows, two (2) feet apart on center, each of which is made up of shrubs six (6) feet on center.



- (4) Undulating Planting Beds - Where applicable, it is desirable to create undulating planting beds to provide more landscape interest, as opposed to trees and shrubs being evenly spaced in a straight line.
- (5) Mixing Plant Species - When more than twenty (20) shrubs and ten (10) trees are required on a site to meet these regulations, a mix of species shall be provided. The following table indicates the maximum quantity of trees and shrubs of the same species and genus that may be planted. In addition, shrubs should generally be divided equally between deciduous and evergreen varieties.

Table 9.2			
Mixing Plant Species			
Total Trees Planted on Site	Total Shrubs Planted on Site	Minimum Number of Species Required	Maximum Percentage of any Single Species
10 to 30	20 to 200	2	70%
30 to 100	200 to 400	3	50%
> 100	> 400	4	30%

- (6) Berms - Berms shall maintain a maximum height of six (6) feet and a minimum height of three (3) feet. The berm shall be required to maintain a 3 to 1 slope. The top of such berms shall be located as closely as possible to the property line of the use. The landscaping required in this case shall be equal in number to the landscaping number otherwise required for buffering of the use. In terms of height, the landscaping plus the berm shall be required to meet the height standard that would otherwise be required for the buffering of the use.
- (7) Fences or Walls - Decorative fences or walls shall be permitted, in addition to required landscaping, between a non-residential development and adjacent residential structures or along the frontage of residential subdivisions. This standard does not apply to individual single-family or two-family residences. Fences or walls shall comply with the following:
  - (a) Fences and walls shall be solid, opaque, and constructed of wood, masonry, or vinyl.
  - (b) No fence shall be located inside of any required front yard setback unless granted a variance from the Board of Zoning Appeals or a waiver from the Borough Planning Commission and/or Council.
  - (c) In order to break the visual monotony of a fence or wall, at least one (1) shrub or vine shall be planted

abutting the wall for every ten (10) feet of wall length, but not necessarily evenly spaced ten (10) feet apart.

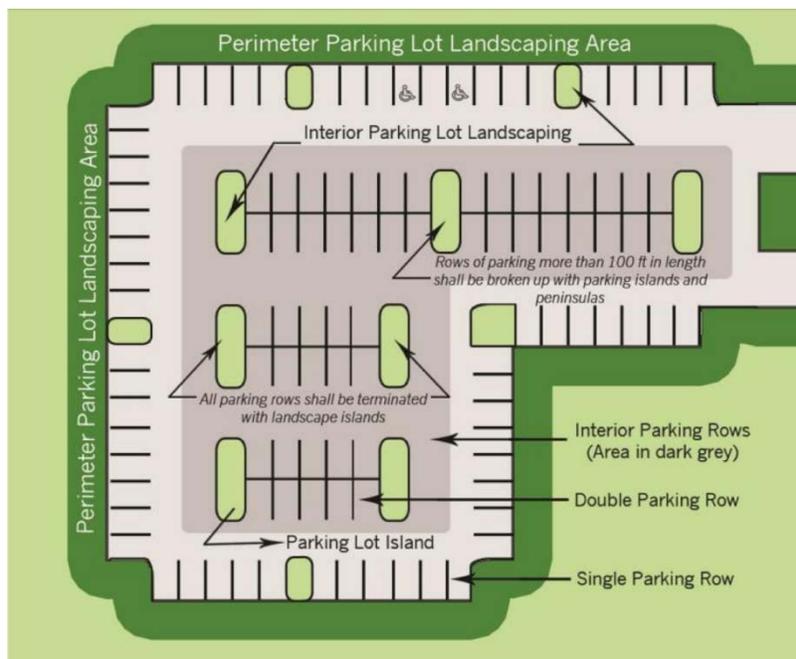
- (d) The required shrubs/vines shall be installed outside of the fence/wall, and the fence/wall shall be erected a minimum of four (4) feet inside the property line to allow for the planting and maintenance of the shrubs/vines.
- (e) In lieu of the vine or shrubbery requirements above, the Borough shall be authorized to approve a masonry wall having significant design variation evenly spaced at internals of not more than twenty (20) feet.
- (8) Duplicate Planting Requirements - It is not the intent of this Ordinance to generate multiple rows of trees and shrubs resulting from implementation of this Ordinance together with Street Tree requirements and/or other landscaping treatments. In these instances, the most restrictive standard shall be used. In some instances, where the building or parking lot setback from the right-of-way is greater than twenty (20) feet, street trees may still be required in addition to other landscaping requirements.
- (9) Installation Prior to Certificate of Occupancy - All landscaping required by the approved landscaping plan shall be installed prior to issuance of the Final Certificate of Use & Occupancy unless approved by Borough Staff for weather related reasons or unique circumstances. Where landscaping cannot be installed, a Surety Bond must be posted with the Borough covering one hundred ten (110) percent of the estimated installation costs including the plant materials.

#### **§ 179-55 Parking Lot Landscaping.**

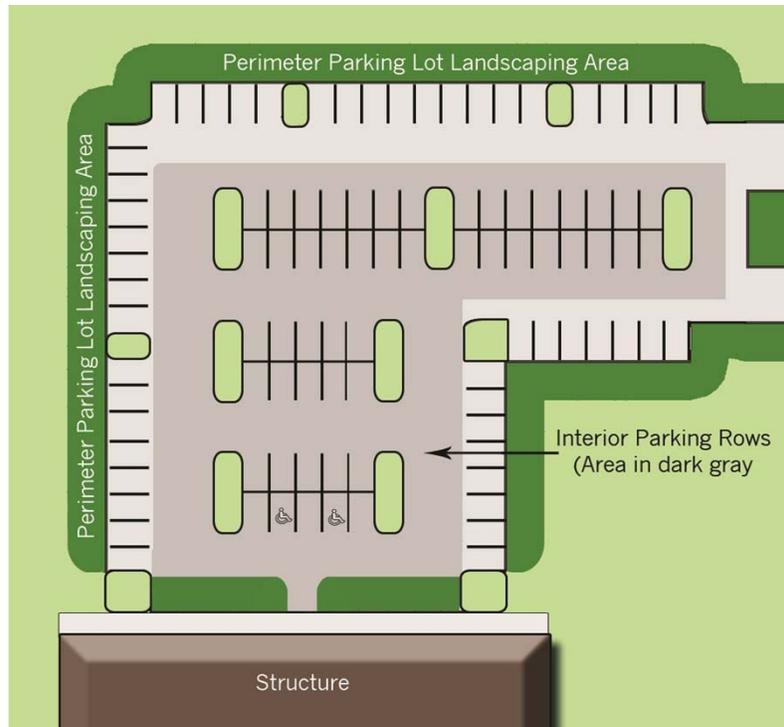
- A. Intent - Parking lot landscaping required by this Section is intended to promote attractive, safe, off-street parking lots by providing minimum requirements for installation and maintenance of landscaped areas. This section places a high priority on the safe flow of pedestrians and vehicles within a parking lot. It also requires adequate safe emergency lanes for fire trucks and other emergency vehicles.
- B. Application
  - (1) Required parking lot landscaping shall consist of two types: (1) Interior Parking Lot Landscaping and (2) Perimeter Parking Lot Landscaping as described below. The standards required for these two types of landscaping shall be determined by the “class” of parking lot proposed on the site. The parking lot “class” shall be determined by the total number of proposed parking spaces for a given use.
    - (a) Class A: 0 to 20 spaces
    - (b) Class B: 21 to 50 spaces
    - (c) Class C: 51 to 200 spaces
    - (d) Class D: > 200 spaces
- C. Class D: >200 spaces Interior Parking Lot Landscaping
  - (1) Planting Islands - In some cases where parking is required for a use, a certain percentage of the paved area must be maintained as landscape areas which include landscape islands and peninsulas. For the purposes of calculating this requirement, the following table shall be employed.

Table 9.3		
INTERIOR PARKING LOT LANDSCAPE REQUIREMENTS		
	Percent of Required Landscaping in Parking Lot	Maximum Parking Lot Island Size (Square Feet)
Class A	1%	180
Class B	5%	750
Class C	8%	1,000
Class D	11%	No Maximum

- (a) All single row parking landscape islands and peninsulas shall be a minimum of one hundred eighty (180) square feet in area with a minimum width of nine (9) feet measured from back of curb to back of curb or edge of pavement. Each island and peninsula shall contain a minimum of one (1) canopy tree and five (5) evergreen or deciduous shrubs, or ornamental grasses. If the landscape island or peninsula is intended to function as an “LID Stormwater BMP”, then the plant material should be able to tolerate and thrive at various depths and lengths of inundation.
- (b) All double row parking landscape islands shall be a minimum of two hundred forty (240) square feet in area with a minimum width of nine (9) feet measured from back of curb to back of curb or edge of pavement. Each island and peninsula shall contain a minimum of two (2) canopy trees and ten (10) evergreen or deciduous shrubs, or ornamental grasses.
- (c) All interior parking rows shall be terminated at both ends with landscape islands. The exterior parking rows abutting the Perimeter Parking Lot Landscaping Area, which are not adjacent to a structure, shall require the installation of one additional canopy tree at both ends of the exterior row. All parking islands shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of one hundred feet in length. For calculating purposes, handicapped parking spaces shall count as one (1) parking space. (See Illustrations).



Parking layout without a structure.



*Parking layout with a structure.*

- (d) One hundred (100) percent of every parking lot island or peninsula outside of shrub masses shall be planted in turf or other approved groundcover in the appropriate density to achieve complete cover within two (2) years as determined by the approved landscape plan.
- (e) If the specific application of the interior landscape requirements will seriously limit functions of the building site, the Borough shall have the authority to permit consolidation and relocation of these landscaped areas on the building site.
- (f) The primary plant materials used in parking lots shall be canopy tree species, in conformance with applicable provisions of subsection C (1)(a) and C(1)(b) above. Understory trees, shrubbery, hedges, and other plant materials may be used to supplement the canopy tree plantings but shall not be the sole contribution to such landscaping.

**D. Perimeter Parking Lot Landscaping**

- (1) Intent and Application - The landscape requirements identified below provide for the enhancement of all parking lots by recognizing two distinct conditions. The first condition is where parking lots are located within front and corner side yards, where a uniform scheme of landscaping is required to protect the aesthetics along public streets. The second condition is where parking lots are located within rear and interior side yards and minimum requirements for beautification of both residential and non- residential uses are desired. The intent is to require a higher level of landscaping abutting or adjacent to residential uses (principally multi-family uses) than for non-residential uses. It should be noted that the issue of reducing impacts between dissimilar uses is addressed in Article IX§ 179-59Landscape Buffer Yards.

(2) Area and Configuration

**Table 9.4.**

<b>PERIMETER PARKING LOT LANDSCAPING REQUIREMENTS</b>				
<b>Parking lots adjacent to, abutting, or by yard type</b>	<b>Special Landscape District</b>	<b>All Other Areas</b>	<b>Required Trees (per 100 linear feet)</b>	<b>Required Shrubs (per 100 linear feet) (Minimum height 24-inches at time of planting)</b>
Public street, private street, front yards, or abutting residential uses/zone district	10 feet (Perimeter landscape width)	20 feet (Perimeter landscape width)	2 staggered canopy	33 staggered deciduous or evergreen shrubs
Rear and interior side yards abutting or across from a residential use/zone district	10 feet (Perimeter landscape width)	10 feet (Perimeter landscape width)	3 staggered canopy trees and 2 understory	33 staggered deciduous or evergreen shrubs
Rear and interior side yards abutting a non-residential use/zone district	5 feet (Perimeter landscape width)	10 feet (Perimeter landscape width)	2 staggered canopy	33 staggered deciduous or evergreen shrubs
<ol style="list-style-type: none"> <li>1. For calculation purposes, plant quantities are rounded up to the nearest whole number when the calculation is 0.5 or greater.</li> <li>2. Refer to tree and shrub staggering diagrams.</li> <li>3. Setbacks are the minimum required unless specified elsewhere in the ordinance.</li> </ol>				

(a) These requirements may be altered by the Borough, Planning Commission, or the Board of Zoning Appeals to protect vehicular or pedestrian traffic or to facilitate free movement of emergency vehicles.

(b) All trees shall be planted within ten (10) feet of the parking lot edge.

(c) All shrubs shall be planted within five (5) feet of the parking lot edge.

(3) Shared Parking Facilities - All paved areas that encroach upon the required ten (10) foot perimeter parking lot landscape areas, except those abutting a public right-of-way shall conform to the following.

(a) The total area that is removed must be provided as interior parking lot landscaping on those parcels. This area shall not be counted towards the overall required interior parking lot landscaping as stated above.

(b) Plantings in these areas shall comply with the standards stated in § 179-55.

E. Parking Garages - All parking garages shall be required to meet the following landscape and urban design requirements:

(1) Perimeter Landscaping - Parking structures shall provide along any street frontage pedestrian-related amenities such as sitting areas, planters, and visually interesting wall surfaces at the street level. There shall be such amenities provided so that twenty percent (20%) of the building façade will contain such spaces. Such amenities shall be evaluated through Site Plan Review. In all cases, there shall be a minimum sidewalk width along the street of eight (8) feet that shall not be impeded by such pedestrian-related amenities.

(2) Interior Landscaping - Interior landscaping requirements for parking garages may be met by providing hanging baskets, landscape planters, and/or flower boxes around the exterior of the first three levels of the parking garage structure.

**§ 179-56 Building Base Landscaping.**

The entire base of each commercial/industrial/institutional and multi-family building shall be surrounded by a landscape strip as prescribed in the table below. Such landscaping shall not be counted toward the overall required plantings for the interior parking lot. These landscape strips may be broken by pedestrian access ways; however, these access ways may not constitute more than ten (10) percent of the total area of the required landscape strip. No more than forty (40) percent of the required building base landscape area shall be located on any one side of the building. Shrubs and ornamental trees along foundation walls of structures shall be planted no closer than two (2)

feet and eight (8) feet, respectively. In certain circumstances, additional standards shall be required as follows:

Table 9.5				
BUILDING BASE LANDSCAPING REQUIREMENTS				
	Special Landscape District <sup>1</sup>	All Other Areas	Required Trees (per 100 linear feet)	Required Shrubs (per 100 linear feet)
Buildings adjacent to or across from parking area, public road, or residential use/zone district	10 feet (landscape width)	10 feet (landscape width)	3 understory trees	33 deciduous or evergreen shrubs, or ornamental grasses.
Building adjacent to or across from a similar use, commercial or industrial uses, or private road	5 feet (landscape width)	10 feet (landscape width)	2 understory trees	15 deciduous or evergreen shrubs, or ornamental grasses
1. Where zero front yard setbacks are permitted and utilized, building base landscaping requirements are waived. If the front yard setback utilized is less than the building base landscaping requirement, the building base landscaping requirement may be reduced by the difference of the two. 2. For calculation purposes, plant quantities are rounded up to the nearest whole number when the calculation is 0.5 or greater.				

- A. Loading Areas - Where a drive-thru or loading area is permitted or required for a use, and where it is necessary to locate this drive-thru or loading area inside of the building base landscaping, the affected landscape areas may be moved. In these cases, an area of landscaping equal to the amount removed must be added to other areas of the building's base landscaping.

**§ 179-57 Landscape Buffer Yards.**

- A. Applicability - The regulations of this Section shall establish the dimensions and improvement requirements of landscape buffer yards as required for transitions between uses and along the Borough's corridors.
- B. Changes in Landscape Buffer Yards for Planned Developments - Landscape buffer yards may be established, increased, or decreased by the Planning Commission and Borough Council as part of the approval of any planned development.
- C. General Restrictions - Landscape buffers around an entire land use shall be reserved for the planting of material and installation of other buffering materials as required within this Section. No parking, sidewalks, storm water detention and infiltration facilities, regulated drains, fences, walls, accessory buildings, structures, easements, or other impervious surfaces shall be permitted to be located inside any required landscape buffer yard. Allowable encroachments include landscaping and earthen berms. Consideration may be given to driveways and sidewalks needed to service a use or building and can be administratively approved by the Borough, or decorative walls/fences approved by the Planning Commission and Borough Council for a planned development. All landscape buffer yards shall include a variety of landscape plants per development. Buffering requirements, when applicable, shall be used to supplement all other required landscaping and shall not be used in lieu of other required landscaping, unless otherwise stated in this Article.
- D. Maintenance of Landscape Buffer Yards - Landscape buffer yards are designated as Common Area/Landscape Buffer Yard and shall be maintained by the Homeowner's Association and/or Owner/Developer as per the Declaration of covenants for the subdivision and/or planned development. Other acceptable recordable documentation for the maintenance of the landscape buffer yards may be approved by the Borough on a case-by-case basis.
- E. Size and Improvement of Landscape Buffer Yards - The size and improvement of the landscape buffer yards for various situations shall be as determined in the Zoning Ordinance. Landscape Buffer Yards will be required to have the following:
  - (1) 2 staggered evergreen canopy trees and 1 deciduous canopy tree (per 100 linear feet).
  - (2) 33 staggered deciduous or evergreen shrubs (per 100 linear feet, minimum 24-inches at the time of planting).

- (3) Fences or walls may be used in combination with landscaping. A berm may be used to supplement the required landscaping.
- (4) Areas not planted with trees or shrubs shall be maintained as turf or other groundcover approved by the Borough.
- (5) Ornamental Grass may be substituted for shrubs at a ratio of three (3) grasses per one (1) shrub, up to a maximum of twenty (20) percent.
- (6) For calculation purposes, plant quantities are round up to the nearest whole number when the calculation is 0.5 or greater. 4. Refer to tree and shrub staggering diagrams.

#### **§ 179-58 Screening.**

- A. Standards - Standards for screening shall be established below. When the following standards differ from standards otherwise outline by this Ordinance, the most restrictive standard shall apply.
- B. Applicability - This section shall apply to the following:
  - (1) Trash Receptacle Enclosures - All trash receptacles shall be completely screened by a wall on three sides matching the materials, colors, and architecture of the principal building located on the parcel. The fourth side shall consist of a metal gate or other similar materials completely hiding the trash receptacle. The enclosure must measure a minimum of six (6) feet in height or two (2) feet above the height of the trash receptacle, whichever is greater. Trash receptacle enclosures shall not be located in front of any building, adjacent to a collector, arterial, or expressway, or adjacent to any residential use.
    - (a) Landscaping is required on three side of the enclosure and shall include evergreen understory trees at three (3) feet on center or evergreen canopy trees five (5) feet on center, and a minimum height of six (6) feet.
  - (2) Service/Material Yard and Storage Areas - All service yards shall be completely screened by a fence, split faced block wall, continuous evergreen screen, or combination of the three. The screen must measure a minimum of seven (7) feet in height. All non-vegetative screen methods shall as closely as possible match the architecture of the building which the service yard is serving.
    - (a) Landscaping shall include evergreen understory trees at three (3) feet on center or evergreen canopy trees five (5) feet on center, and a minimum height of six (6) feet.
  - (3) Display Areas - All display areas which front on a public or private street shall be required to plant three (3) deciduous trees per 100 linear feet of frontage of display area onto the public or private street or any fraction thereof.
  - (4) Heating and Cooling Units - Ground mounted heating and cooling units for non-residential and multi-family structures shall be completely screened.

#### **§ 179-59 Street Trees.**

Street trees shall be installed within any new subdivision pursuant to Article VII§ 179-36.

#### **§ 179-60 Inspection.**

The Borough shall have the authority to visit any lot to inspect the landscaping and check it against the approved plan on file. Upon completion of the required landscaping, as per the approved plan, it shall require an inspection to determine that the landscaping complies with the approved plan and shall be completed prior to the issuance of a FINAL Certificate of Use & Occupancy for the structure. A Certificate of Compliance shall be issued for those landscaping areas that comply with the approved landscaping design plans. For those landscaping areas, which are not one- or two-family structures, the posting of a three-year maintenance bond is required for 110% of the cost of installation and plant materials. The cost of installation shall be certified by landscape contractor or licensed landscape architect.

**§ 179-61 Change to an Approved Landscape Plan.**

Any change or deviation to an approved landscape plan shall require the approval of the Borough. Changes which do not conform to this Article shall be subject to the procedures for a variance as established in established in the Borough's Zoning Ordinance for planned developments. Landscape improvements made to a lot that are not in conformance with an approved landscape plan shall be a violation of this Ordinance, and subject to the fines and penalties established in Article XIII§ 179-84.

**§ 179-62 Installation and Maintenance**

A. Plant Installation - All Landscaping materials shall be installed in accordance with the current planting procedures established by the DCNR Pennsylvania Bureau of Forestry "Planting and Seeding Guidelines" and Penn State "Erosion Control and Conservation Plantings on Noncropland".

**B. Maintenance**

- (1) The owner/developer of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials and structures in accordance with these standards and as indicated on the landscaping plan certified by the Borough Council. All landscaping materials shall be maintained in good condition so as to present a healthy, neat, and orderly appearance, and plant materials not in this condition shall be replaced when necessary and shall be kept free of weeds, refuse, and debris.
- (2) If any planting material dies or is removed, it shall be the responsibility of the property owner/developer to replace the materials immediately. The replacement landscaping must match the existing landscaping being replaced in height, size, number, and bulk. In cases where a practical difficulty exists in the adherence to this standard, the Borough may authorize replacement landscaping different than that required above. Such alternative landscaping must meet the intent and objectives outlined in this Article and such authorization must be received prior to the removal of the original landscaping.
- (3) Fences, walls, and other barriers shall be maintained in good repair. Irrigation systems shall be maintained in good operating condition to promote the health of the plant materials and the conservation of water. The enforcement of the above shall be stated in covenants adopted as part of this approval process when applicable.

**§ 179-63 Natural Area Protection.**

The purpose and intent of this section establishes regulations for the preservation of natural areas to prevent the unnecessary cutting, removal, or killing of trees, and/or native vegetation; to provide protection for these critical areas including woodlands or high tree concentrations; critical habitats that contain rare, threatened or endangered species; wooded 100-year floodplains; wooded wetlands; wooded slopes; wooded or partially wooded stream corridors with drainage areas greater than 50 acres; and riparian areas. The intent is to promote the health, attractiveness, and safety of the community; to foster aesthetically pleasing and environmentally sensitive development that protects and preserves the appearance and character of the Borough and encourages preservation of natural areas such as mature tree stands and stream corridors. These regulations promote important physical and psychological benefits through the use of preservation and protection of the natural areas reducing noise and light pollution; promoting innovative and cost-conscious approaches to design, installation, and maintenance of said areas, and establishes procedures for the administration and enforcement. These regulations apply to both new site development and any redevelopment of a site.

**A. Tree Preservation Efforts**

- (1) The practicality of arranging the site plan components around existing natural areas shall adhere to the following:
  - (a) Plans for groups of structures should be designed to preserve areas of high tree concentrations, desirable individual tree specimens, and desirable stands of trees and shrubs.
  - (b) The condition of the vegetation with respect to its continued vitality.

- (c) The possibility of preserving vegetation through pruning rather than removal.
- (d) The desirability of a particular tree or species by reason of its appearance, historic or ecological significance, botanical characteristics, and the function that the vegetation would fulfill as a site plan component.
- (e) The practicality and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation.
- (f) The potential for interference with utility services along the use of the roads and walkways.

**B. Credits for Saving Mature Trees**

Where it is possible to save older and/or larger trees, each tree determined to qualify and designated on the landscape plan subsequently shall be saved and credited toward other required tree plantings. The location of the trees to be saved shall be used to determine the areas where landscaping requirements can be redirected. The diameter of the trees that qualify under this section, and the respective credits that they merit, are listed in the table below:

<b>Table 9.7</b>	
<b>TREE PRESERVATION CREDITS</b>	
<b>Diameter of Tree (measured at a point four (4) feet above grade)</b>	<b>Credit</b>
Less than 2.5 inches	No Credit
2.6 inches to 5.9 inches	1 to 1
6 to 17.9 inches	2 to 1
18 inches or greater	3 to 1

**C. Protection Practices**

- (1) Protecting the root zone is the most critical factor in tree preservation throughout the development process. Disturbances within this area directly affect tree survival. To protect the root zones, the following standards apply:
  - (a) When earthwork, grading, or construction activities are planned adjacent to a natural area, a limit of disturbance line shall be shown on the construction plans and tree preservation plans. All such areas shall be protected through installation of temporary fencing, barriers, or other measures approved by the Borough. Such fencing, barriers, or other materials shall be installed and identified through signage as a ‘TREE PRESERVATION ZONE’ (multiple signs) prior to commencing land disturbance and shall remain throughout the period of construction.
  - (b) Barriers shall be used to protect trees during site development. The root zone of trees shall include no less than the total area beneath the tree(s) canopy as defined by the farthest canopy of the tree(s) plus a five--foot (5) wide protective buffer.
  - (c) Disturbed areas adjacent to tree preservation zones shall be mulched to provide additional protection to tree roots.
  - (d) Grading measures or protective devices, such as tree wells, tree walls, or specialized fill and pavement designs, shall be installed when necessary to preserve identified tree specimens.
  - (e) Grade changes adjacent to tree preservation zones shall not result in alteration to soil or drainage conditions that would adversely affect existing vegetation. These areas shall be evaluated for flood tolerance and storm water routed around these areas deemed intolerant of an increase of additional flow from urbanization.
  - (f) Construction site activities such as parking, material storage, burry pits, concrete washout, etc., shall not be allowed within the Tree Preservation Zone.

- (g) The determination of sight-distance clearances along roadways shall be completed graphically and submitted to the Borough for review and approval.
- (h) No disturbance shall be permitted within the Tree Preservation Zone including trenching, backfilling, driving, or parking equipment, and/or dumping of trash, oil, paint, or other materials detrimental to plant health. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. No notices or other objects shall be nailed or stapled to preserved trees.
- (i) Mature Trees shall not be topped. The trees shall be pruned according to procedures established by the American National Standards Institute A300 Pruning Standards.
- (j) Should any tree designated for preservation die within five (5) years of project completion, the owner/developer/association shall replace such tree with a tree of equal tree preservation value within 180 days based on the following calculations:

Table 9.8.	
TREE PRESERVATION REPLACEMENT REQUIREMENT	
Diameter of Tree Removed	Calculation for required number of replacement trees at 2.5 inches caliper
Less than 8 inches	Diameter of tree removed divided by 2.5
8 to 16 inches	2 times diameter of tree removed divided by 2.5
Greater than 16 inches	4 times diameter of tree removed divided by 2.5

- (k) Trees, vegetation, and shrub removal shall not be permitted prior to the issuance of an improvement location permit.
- (l) Plantings, landscaping, and removal of existing natural areas shall be subject to inspections to verify compliance.

Chapter 179: SUBDIVISION AND LAND DEVELOPMENT

Article X Parks and Recreational Facilities

§ 179-65 Provision of parks and recreational facilities. ....78

§ 179-66 Plan requirements for parks and recreational facilities. ....78

§ 179-67 Payment of fees in lieu of dedication or reservation. ....79

§ 179-64 Provision of parks and recreational facilities.

- A. This section is to be reviewed and updated in accordance with a Borough Recreational Comprehensive Plan as adopted by Borough Council consistent with Section 503 of the MPC.
- B. Residential Uses. In the case of a residential subdivision and/or land development, or that portion of a subdivision and/or land development set aside for residential use, the applicant shall dedicate a contiguous area defined by the Borough for each dwelling unit.
- C. Nonresidential uses. The amount of land required to be dedicated for recreational purposes by every applicant for any nonresidential subdivision and/or land development proposing any new or enlarged lot, structure or use shall also be provided as defined by the Borough.
- D. Mixed-use subdivision and/or land development plans. In the circumstance of mixed-use plans, the land dedication shall be calculated using the requirements for each separate use, as specified in Subsections B and C above, as applicable, and the minimum land dedication shall be the sum of the amounts calculated for each use.
- E. Such land set aside shall be suitable to serve the purpose of active and/or passive recreation by reason of its size, shape, location, and topography and shall be subject to the approval of the Borough Council.

§ 179-65 Plan requirements for parks and recreational facilities.

- A. Location. The land or fees, or combination thereof, shall be used only for the purpose of providing, acquiring, operating or maintaining park or recreational facilities reasonably accessible to the proposed development and shall bear a reasonable relationship to the use of the park and recreational facilities by future residents of the development or subdivision.
- B. Recreational improvements. Recreational facilities for use by development residents shall be shown or noted on the subdivision and land development plan, tailored to the residents' needs and budgeted as part of the project's improvement costs as per Article XI§ 179-67.
- C. Design criteria for park and recreational facilities.
  - (1) Areas to be designated for parks and recreation shall provide facilities reasonably accessible to the development and complement existing adjacent parks, trails, natural areas, and sensitive ecological areas. All designated recreational lands and facilities shall be suitable for their intended use, free of environmental contamination, and shall be developed in conformance with the Borough's current park, recreation, and open space plan.
  - (2) All land shall be offered for dedication and shall be acceptable to the Borough.
  - (3) All designated parks and recreation facilities shall meet the following criteria:
    - (a) Lands shall be adjacent to a public street or accessible by way of an easement designed for vehicular and pedestrian access;
    - (b) The park site shall be located in a manner which best serves all residents and protects natural and

environmentally sensitive areas;

- (c) Not more than 25% of the land shall contain stormwater management facilities;
- (d) At least 50% of the designated area shall be at a grade not exceeding 6%;
- (e) All facilities constructed by the developer shall be in accordance with current building codes, established NRPA standards and prevailing safety requirements;
- (f) The site shall have access to sewer and water unless it is deed-restricted to prohibit development which would require utilities;
- (g) Sites and facilities shall conform to the Borough's current park, recreation and open space plan and shall employ sound planning, engineering, and landscape architecture principals.
- (h) A maximum of twenty-five percent (25%) of the total land area required by this Section to be provided for recreation may consist of floodplain areas and/or slopes exceeding three percent (3%).

**§ 179-66 Payment of fees in lieu of dedication or reservation.**

- A. Fee in lieu of dedication. The Borough may consent to the payment of a fee by the developer to Camp Hill Borough in lieu of the dedication of land when the Borough determines that the payment of a fee would more adequately provide park or recreational facilities accessible to the proposed development. A payment of a fee in lieu of dedication of such land shall be required in accordance with the following:
- (1) The amount of the fee shall be based upon the fair market value of the land required by Section 179-65, based on the unimproved land value, otherwise required for dedication.
    - (a) Fees for Residential Development. When a fee in lieu of land dedication is offered, every subdivision and/or land development for residential purposes shall contribute an amount per dwelling unit as defined and may be updated from time to time by Borough Council.
    - (b) Fees for Nonresidential Development. The applicant for every subdivision and/or land development for any new or enlarged nonresidential lot, structure or use shall pay the amount the employee ratio as defined and may be updated from time to time by Borough Council as hereinafter specified:
      - (i) Business and professional office use: one (1) employee per three hundred (300) square feet, and/or pro rata portion rounded to the nearest one-hundredth, of gross floor area.
      - (ii) All other commercial uses: one (1) employee per five hundred (500) square feet, and/or pro rata portion rounded to the nearest one-hundredth, of gross floor area.
      - (iii) Industrial uses: one (1) employee per one thousand five hundred (1,500) square feet, and/or pro rata portion rounded to the nearest one-hundredth, of gross floor area.
      - (iv) Institutional uses: one (1) employee per five hundred (500) square feet, and/or pro rata portion rounded to the nearest one-hundredth, of gross floor area. Public uses and facilities owned and operated by political subdivisions, public libraries and public school districts or entities are excluded from the requirements of this provision.
      - (v) Mixed-use subdivision and/or land development plans: In the circumstance of mixed- use plans, the fee shall be calculated using the above requirements for each separate use, including the residential requirements set forth in Subparagraph (a), when applicable, and the minimum fee shall be the sum of the amounts calculated for each use.
      - (vi) The fee shall be paid to the Borough prior to the unconditional approval and recording of the final plan.
      - (vii) All fee payments in lieu of dedication received pursuant to this section shall be used solely and exclusively for providing park or recreational facilities included in the Borough's current park,

recreation, and open space plan, and reasonably accessible to the development. Use of the payment may include acquisition of land for parks, construction of playgrounds, game courts, or other recreational facilities; the construction of improvements on new or existing sites; or operating or maintenance expenses for existing parks. The fees are to be used only for the purposes of providing, acquiring, operating, or maintaining park or recreational facilities reasonably accessible to the development.

- D. Park fund. Moneys paid by the developer in lieu of park dedication shall be deposited with the Borough and placed in a separate interest-bearing account, clearly identified as reserved for the purposes noted above. Interest earned on the account shall become funds of that account. Funds from such account shall be expended only in properly allocable portions of the cost incurred to provide, acquire, operate, or maintain facilities reasonably accessible to the development site.
- E. Refund of fee. Upon request of any person who paid any fee under this subsection, the Borough shall refund such fee, plus interest accumulated thereon from the date of payment, if the Borough used the fee paid for a purpose other than the purposes set forth in § 179-66.

Chapter 179: SUBDIVISION AND LAND DEVELOPMENT

Article XI Improvement Construction Assurances

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§ 179-67 Improvement required.

No project shall be considered completed until the following public and private improvements, as required by the approved plan, have been installed:

- A. Public or private street improvements including paving, curbs, sidewalks, sanitary sewer and appurtenances, stormwater system, water mains and appurtenances, inlets, manholes, street trees/landscaping, street lighting, lane markings, street name and regulatory signage, bridges, culverts, guard/guiderails, grading, seeding, erosion and sedimentation control facilities, monuments and markers, and associated improvements.
- B. Public or private improvements/amenities depicted on the final plan and/or agreed to by the applicant, including but not limited to such items as on- or off-site vehicular and pedestrian- related improvements and facilities, site lighting, monuments and markers, recreational facilities and easements, bicycle or hiking trails, guiderails or other safety improvements, trees and other landscaping, stormwater control facilities, and relocation of public or private improvements.
- C. Public or private improvements/amenities, either on- or off-site, which are required by other codes or ordinances or which are required as a condition of project approval by other boards or commissions, and so noted on the plan.
- D. If requested by the developer or the developer’s financial institution, in order to facilitate project financing, the Borough shall furnish the developer or the financial institution a letter stating that the plan may be recorded contingent upon the party posting the required financial guarantee. The final plan or plan shall not be recorded until the improvement guarantee has been executed. The letter indicating Borough Council approval or conditional approval subject to the posting of a financial guarantee, shall expire 90 days following mailing, hand delivery or emailing to the party requesting the letter unless a written extension is granted by Borough Council.

§ 179-68 Construction standards.

All improvements required by this Chapter shall be designed and constructed in conformance with this Chapter and the ordinances for the Camp Hill Borough, and the technical standards set forth in the Construction Specifications of the Camp Hill Borough, which standards and guidelines are incorporated herein by reference as if fully set forth, unless the appropriate Borough official with authority to review the proposed construction designates an alternative method or standard. Except as specifically provided for in this Chapter, nothing contained in this Chapter shall be construed to affect the other ordinances of the Camp Hill Borough. The Construction Specifications of Camp Hill Borough is on file in the Borough Office, where copies are available for public examination.

**§ 179-69 Inspection of required public improvements.**

The Borough Engineer and designated inspection staff shall be responsible for inspection and approval of the required public improvements. The Borough Engineer and developer shall agree upon a notification procedure and a schedule of inspections to be made during construction and upon completion of all improvements. Should the Borough Engineer and developer fail to agree on a notification procedure and schedule of inspections, the Borough Engineer shall establish the schedule, which shall be binding. The developer shall reimburse the Borough for all administrative and inspection costs associated with the project based upon the fee schedule adopted by resolution of Borough Council and referenced in § 179-19.

- A. The Borough Engineer, Codes Enforcement Officer, and/or Public Works Director shall draw up regulations governing the times when inspections shall be made to determine whether construction is proceeding in accordance with the proposed plan.
- B. All improvements shall be inspected by the Borough Engineer and/or Public Works Director. The landowner and/or developer shall pay the cost of such inspection and review of plans including materials tests; reimbursing the Borough for the inspection at rates established in the current fee schedule as adopted by the Borough. The Borough Engineer shall be notified at least forty-eight (48) hours in advance of the commencement of any construction operation such as grading, sewer installation, paving, curbing or any and all types of construction operation, in-order that provisions may be made for the proper inspection of such construction operation.
- C. Every street, highway, park or other public improvement shown on a plan that is recorded, as provided herein, shall be deemed to be a private street, highway, park or improvement until such time as the same has been accepted by Ordinance or by deed of dedication accepted by Borough Council or until it has been condemned for use as a public street, park or other improvement.
- D. Prior to the start of construction, an applicant or its designated contractor representative shall establish and escrow in the amount of pay four percent (4%) of the total estimated construction cost to cover inspection costs by the Borough Engineer.

**§ 179-70 Inspection of required private improvements.**

The Borough, with the assistance of other Borough staff, shall be responsible for assuring that all private improvements have been installed prior to the developer being released from any improvement construction guaranty and/or issuance of a certificate of occupancy.

**§ 179-71 Improvement construction guaranty.**

In lieu of the completion of any improvements required as a condition for the final approval of a plan, including improvements or fees required pursuant to Section 509(i) of the MPC, which addresses development in stages over a period of years, the applicant shall deposit, prior to plan recordation, financial security in an amount sufficient to cover the costs of such improvements or common amenities, including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, parking facilities, recreational facilities, open space improvements, or landscaping or screen plantings which may be required. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Pennsylvania Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law." Improvement construction guarantees shall contain item descriptions of the improvements which the guarantee covers, including any improvements or activities of a temporary nature. The applicant shall provide an improvement construction guarantee prior to the Borough signing the final plan.

- A. Form of financial security. The following are acceptable forms of guaranties. All other forms of guaranties must be individually approved by the Borough.
  - (1) Surety performance bond. A bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. Bonds shall be payable to the Borough.

- (2) Escrow account. A deposit of cash, either with the Borough, or held in escrow with a federal or Commonwealth chartered financial institution. Any interest earned by moneys deposited with the Borough shall be retained by the Borough to manage the account. In the case of an escrow account with a financial institution, the applicant shall file, with the Borough, an agreement between the financial institution and the applicant guaranteeing the following:
  - (a) That the funds of said escrow account shall be held in trust until released by the Borough, and may not be used or pledged by the applicant as security in any other matter during that period;
  - (b) In the case of a failure on the part of the applicant or developer to complete said improvements, the institution shall immediately make the funds in said account available to the Borough for use in the completion of those improvements.
- (3) Letter of credit. An irrevocable commercial letter of credit provided by the applicant from a federal or Commonwealth chartered financial institution or other reputable institution. This letter shall be deposited with the Borough and shall certify the following:
  - (a) The amount of credit.
  - (b) In case of failure on the part of the developer to complete the required improvements within a time period specified in a written agreement or the letter of credit, the Borough shall take action to have the creditor pay to the Borough, immediately and without further action, upon presentation of a sight draft drawn on the issuing lending institution in an amount to which the Borough is entitled, or upon presentation of the original letter of credit, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
  - (c) The letter of credit is irrevocable and may not be withdrawn, or reduced in amount, until release or partially released by the Borough.
- (4) Other type of financial security. The Borough Council may approve any other type of financial security at its discretion.
- (5) Loss of security. Failure to maintain a current acceptable form of financial security shall cause the Borough to suspend the issuance of any permits or certificates of occupancy.

F. Amount of guaranty.

- (1) The amount of financial security to be posted for the completion of the required public and private improvements shall be equal to 110% of the anticipated construction and installation costs, which may or may not include prevailing wage rates, which costs shall be approved by the Borough. Costs shall be estimated as of 90 days following the date scheduled for completion by the developer. The Borough may adjust the amount of financial security annually by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the applicant or developer shall post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the applicant or developer in accordance with this subsection.
- (2) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer, and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the municipality and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by

the applicant or developer and the Borough.

- G. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from each posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements, as re-established on or about the expiration of the preceding one-year period by using the above estimating procedure.
- H. Protection of final phases. In the case where development is projected over a period of years, the Borough may authorize submission of final plans by section or stages of development, subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- I. Record drawings. After final plan approval and upon completion of all required improvements, the developer shall submit record drawings (in digital and paper formats) showing the location, dimension, and elevation of all improvements. Such plans shall indicate that the required grading, drainage structures and/or drainage systems and erosion and sediment control practices have been installed in substantial conformance with the previously approved final plan. The record drawings shall specify all deviations from the previously approved drawings. One paper set of plans shall be submitted to the Borough for review and approval. After approval is granted, one copy of all plans shall be submitted to the Borough in mylar form along with any deed of dedication for public property or easement. If required by the Borough revised mylars shall be recorded by the developer so as to supersede the previously recorded final plan in order to provide an accurate public record of the location of required improvements; and evidence of such recording shall be provided to the Borough.
- J. Partial release of funds. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough to release or authorize the release of, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Borough. The Borough shall have 45 days from receipt of such request to certify, in writing, that such portion of the work has been completed in accordance with the approved plan. Upon such certification, the Borough shall authorize release by the bonding company or lending institution of an amount fairly representing the value of the improvements completed. If the Borough fails to act within said 45-day period, the request for release of funds shall be deemed to have been approved. Prior to final release at the time of completion and certification by the Borough Engineer, the Borough may retain 10% of the original amount of the posted financial security for the aforesaid improvements.
- K. Where the Borough Council accepts dedication of all or some of the required improvements following completion, it may require the posting of financial security to secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of this dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of such financial security shall not exceed fifteen (15%) of the actual cost of installation of said improvements.
- L. 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 section.
- M. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan as set forth in this section, the Borough shall not condition the issuance of buildings, grading, or other permits related to the erection or placement of improvements, including buildings, upon the lots or land as depicted on the final plan, upon actual completion of the improvements depicted on the approved final plan. If financial security has not been provided, occupancy permits for any building or buildings to be erected

shall be withheld from the following: the improvement of the streets providing access to and from existing public roads to such buildings or buildings to a mud-free or otherwise permanently passable condition, as well as the completions of all other improvements as depicted on the approved plan either on the lot or lots or beyond the lots or lots in question, if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

N. Release from improvement bond guaranty.

- (1) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer and designated inspection staff to inspect the improvements. Within 30 days of authorizing the Borough Engineer to inspect the improvements, the Borough shall mail a report to the developer by certified or registered mail. The report shall either indicate acceptance of the work or shall identify improvements which are not approved and shall describe what corrective actions the developer must undertake. If all required improvements are accepted, the full amount of the financial guarantee including any retainage shall be returned to the developer.
- (2) Should there be any question on the performance of an improvement, the full amount of the guarantee posted in the form of a bond or letter of credit may be released and replaced by a cash guarantee in an amount determined by the Borough to be sufficient to cover replacement costs of any questionable improvements. The developer and Borough may agree to retain a fixed amount as a guarantee for 12 months to assure that improvements perform as expected. In the case of improvements dedicated to the Borough, § 179-73, Maintenance guaranty, shall apply.
- (3) If Borough staff fail to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the applicant or developer shall be released from all liability, pursuant to the performance guaranty bond or other security agreement.
- (4) If any portion of the said improvements shall not be approved or shall be rejected, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- (5) Nothing herein, however, shall be construed in limitation of the applicant's or developer's right to contest or question, by legal proceedings or otherwise, any determination of the Borough.
- (6) Improvements accepted by the Borough Engineer shall not become public until dedication occurs, as specified under § 179-72.

**§ 179-72 Dedication of improvements.**

All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by Borough Council or an authority by ordinance, resolution, deed or other formal document. No responsibility of any kind with respect to improvements shown on the final plan shall be assumed or transferred until the improvements have been formally accepted. No improvement shall be accepted for dedication except upon submission of record drawings by the developer and acceptance based on inspection of the final construction.

**§ 179-73 Maintenance guaranty.**

When the Borough Council and/or an authority accepts dedication of all or some of the required improvements following completion, the governing body may require the posting of financial security to secure structural integrity of said dedicated improvements as well as the functioning of said dedicated improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this article with regard to installation of such improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said dedicated improvements.

**§ 179-74 Remedies to effect completion of improvements.**

In the event that any improvements which may be required have not been installed as provided in this Chapter or in accord with the approved final plan, the Borough is hereby granted the power to enforce any corporate bond or other security by appropriate legal and/or equitable remedies. If 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 may, at its option, install part of such improvements in all or part of the subdivision or land development, and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

**Article XII Manufactured Home Park Regulations**

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**§ 179-75 Purpose, Authority, and Jurisdiction.**

The purpose, authority, and jurisdiction for a manufactured home park as a land development are the same as those contained in Article I of this Chapter.

**§ 179-76 Plan requirements and Processing Procedure.**

The plan requirements and processing procedure for a manufactured home park as a land development shall be in accordance with the requirements contained in the Articles of this Ordinance in addition to the following plan requirements:

- A. Number and location of each manufactured home lot, dimensions for each and proposed location of each manufactured home.
- B. Location and number of off-street parking spaces.
- C. Location of all plantings and landscaping.
- D. Location, dimensions, and proposed use of all service and accessory structures.
- E. Location and type of all fire extinguishers and waste containers.
- F. Location of both sewer riser pipe and water riser pipe.
- G. Plans and specifications for refuse disposal facilities.

**§ 179-77 Design Standards**

The arrangement and other design standards of streets, easements, blocks, lots, stormwater management, and erosion and sedimentation control shall be in accordance with the requirements contained in Article VII herein except as specified herein.

A. Street Widths

- (1) All streets located within manufactured home parks shall remain private and shall be maintained by the park owner and/or legal or equitable owner. The minimum street cartway width for manufactured home park streets shall be twenty-four (24') feet in width.
- (2) Provision for additional street width (right-of-way, cartway, or both) may be required when determined necessary by the Borough Council for the following specific situations:
  - (a) Public safety and convenience;
  - (b) Where the number of manufactured homes proposed to be located in the manufactured home park exceeds one hundred (100) units;

(c) Widening of existing streets where the width does not meet the requirements of the preceding paragraphs.

(3) Direct driveway access from a manufactured home lot to existing and/or proposed public streets shall not be permitted but shall be by way of an internal park street.

#### B. Lots in Manufactured Home Parks

(1) Lots in a manufactured home park shall be served by both public water supply and sanitary sewerage collection systems or private community systems.

(2) Manufactured home lots shall be not less than fifty (50') feet wide measured at the minimum required setback line and shall not be less than fifty-five hundred (5,500) square feet in area per manufactured home unit exclusive of streets and other public areas.

(3) Manufactured home park density should not exceed six (6) units per acre.

C. Building Setback Lines. In a manufactured home park, the minimum building setback line from the cartway line of a private street shall be twenty (20') feet.

#### D. Side and Rear Building Lines

(1) The minimum spacing between manufactured home units, including attached accessory structures, shall be no less than twenty (20') feet on a corner lot. The side yard abutting the street shall have a width equal to the depth of the front yard required and shall be subject to all front yard requirements of this Ordinance.

(2) The minimum rear yard shall be twenty (20') feet measured from the rear lot line of each manufactured home lot.

(3) Detached accessory structures shall be located on the lot no closer than five (5') feet from a manufactured home and shall comply with the required front, side, and rear setback lines.

(4) Manufactured home units shall not be located closer than thirty-five (35') feet from the manufactured home park property lines on the sides and rear not adjacent to a street. Manufactured home units adjacent to public streets shall not be located closer than thirty-five (35') feet to the right-of-way line and shall contain a buffer yard in accordance with Article IX§ 179-57 herein.

#### E. Off-Street Parking Requirements

(1) Paved off-street parking areas shall be provided at the rate of at least two (2) vehicular parking spaces for each manufactured home lot.

(2) Each such off-street parking space shall contain at least two hundred (200) square feet of area and shall be located on the lot it is intended to serve.

(3) Additional visitor parking should be provided at the rate of at least one (1) vehicular parking space for every five (5) manufactured home lot. Visitor parking should be interspersed throughout the development.

#### F. Open Space Requirements

(1) Not less than ten (10%) percent of the total land area shall be provided for usable open space. Such space shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located and easily accessible to all park residents.

(2) Such open space shall be maintained with a durable vegetative cover that is capable of preventing soil erosion and the emanation of dust during dry weather.

(3) The open space shall be maintained by the manufactured home park operator.

(4) Stormwater facilities shall not be considered Open Space.

(5) Recreational space should be provided separately as per Article X.

### G. Stormwater Management

- (1) The ground surface in all parts of a park shall be graded and equipped to drain surface water in a safe, efficient manner. Where necessary, storm sewers, culverts and related facilities shall be provided to permit the adequate drainage of all locations within the park.
- (2) A stormwater plan in accordance with the provisions of this Ordinance shall be prepared and submitted prior to the granting of a plan approval or license for any manufactured home park.
- (3) All stormwater facilities shall be kept completely separate from any sanitary waste facilities.

H. Park Areas for Nonresidential Uses. No part of the manufactured home park shall be used for a nonresidential purpose, except such uses that are specifically required for the direct servicing and well-being of park residents, for management and maintenance of the park, or those uses permitted by applicable provisions of the Borough's Zoning Ordinance.

### § 179-78 Improvement and Construction Requirements.

All improvements, construction requirements, and engineering specifications for the improvements required, shall be provided in accordance with Article VII of this Ordinance and the Borough Zoning Code in addition to those required herein.

#### A. Buffer Yard

- (1) A suitably screened or landscaped buffer yard of at least twenty (20') feet wide shall be provided by the developer along all of the property lines separating the manufactured home park from adjacent land uses and public streets. Said buffer yard shall be planted with dense screen plantings as specified in the Camp Hill Borough Zoning Ordinance and Article IX of this Chapter.

#### B. Signs and Lighting

- (1) Signs may be permitted in accordance with Part 8 of the Camp Hill Borough Zoning Ordinance.
- (2) All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
  - (a) All parts of the streets systems: an average of 1.0-foot candle with a minimum of 0.1-foot candle.
  - (b) Potentially hazardous locations, such as major street intersections and steps or step ramps: individually illuminated with a minimum of 0.3-foot candle.

#### C. Other Site Improvements and Requirements

- (1) Each manufactured home site shall be provided a structurally stabilized foundation for manufactured home placement approved by the Borough Engineer.
- (2) An enclosure of compatible design and material shall be erected around the entire base of each manufactured home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- (3) Each manufactured home lot shall be provided with a four (4") inch concrete slab on a stable surface at least (10') feet by eighteen (18') feet in size for use as a terrace and so located so as to be adjoining and parallel to the manufactured home and not extend into the front, side, or rear yard.
- (4) Individual tenants of the manufactured home park may construct attached enclosures or covered patios to individual manufactured homes, provided that such enclosures do not encroach into the front, side, or rear yard areas.
- (5) Tie downs shall be installed at strategic locations so as to prevent movement of the manufactured home by natural causes.

- (6) Provisions shall be made by the Park operator to have garbage and waste collected at least once every week and shall be deposited at an approved disposal site.
- (7) There shall be provided such other improvements as the Borough Council may deem necessary, whereby such requirements shall at all times be in the best interests of the park residents.

#### D. Water Supply

##### (1) Water Distribution System

- (a) The water system of the manufactured home park shall be connected by pipes to all manufactured homes, buildings, and other facilities requiring water.
- (b) The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or back-siphonage.
- (c) The system shall be so designed and maintained in accordance with the Borough's Standard Construction Specifications.

##### (2) Individual Water Riser Pipes and Connections

- (a) Individual water-riser pipes shall be located within the confined area of the manufactured home stand at a point where the water connection will approximate a vertical position.
- (b) The water-riser pipe shall extend at least four (4") inches aboveground elevation. The pipe shall be at least three-fourth (3/4") inch. The water outlet shall be capped when a manufactured home does not occupy the lot.
- (c) Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- (d) A shut-off valve below the frost line shall be provided near the water-riser pipe of each manufactured home lot.
- (e) Underground stop and waste valves shall not be installed on any water service.
- (f) The system shall be so designed and maintained in accordance with the Borough's Standard Construction Specifications.

#### E. Sewage Disposal. An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from manufactured homes, service buildings and other accessory facilities. All such systems shall make connection to the public sanitary sewer system upon review and approval by the Pennsylvania Department of Environmental Protection (DEP) and the Municipal Authority.

##### (1) Individual Sewer Connections

- (a) Each manufactured home lot shall be provided with at least a three (3") inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the manufactured home drain outlet will approximate a vertical position.
- (b) The sewer connection shall have a nominal inside diameter of not less than three (3") inches, and the slope of any portion thereof shall be at least one-fourth (1/4") inch per foot. All joints shall be watertight.
- (c) All materials used for sewer connections shall be semirigid, corrosive resistant, nonabsorbent, and durable. The inner surface shall be smooth.
- (d) Provision shall be made for plugging the sewer riser pipe when a manufactured home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rims of the riser pipe shall extend at least one-half (1/2") inch above ground elevation.

- (e) The system shall be so designed and maintained in accordance with the Borough's Standard Construction Specifications.

(2) Sewer Lines

- (a) All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements, shall be separated from the park water supply system and stormwater drainage systems and shall have watertight joints.
- (b) The system shall be so designed and maintained in accordance with the Borough's Standard Construction Specifications.

F. Electrical Distribution System. Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with local electrical power company specifications regulating such systems.

G. Fuel Supply and Storage

(1) Natural Gas System

- (a) Natural gas piping systems when installed in manufactured home parks shall be maintained in conformity with the specifications of the gas company serving the area.
- (b) Each manufactured home lot provided with piped gas shall have an approved shut off valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

(2) Liquefied Petroleum Gas Systems. Liquefied petroleum gas (LPG) systems provided for manufactured homes, service buildings or other structures when installed shall be maintained in conformity with any applicable rules and regulations and shall include the following:

- (a) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- (b) Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the manufactured home and shall be maintained in effective operating condition.
- (c) All LPG piping located outside of the manufactured home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in manufactured homes.
- (d) Vessels of more than twelve (12) and less than sixty (60) U.S. gallons gross capacity may be installed on a manufactured home lot and shall be securely but not permanently fastened to prevent accidental overturning.
- (e) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, manufactured home, or any other structure unless such installations are specially approved by the authority having jurisdiction.

(3) Fuel Oil Supply Systems

- (a) All fuel oil supply systems provided for manufactured homes, services buildings and other structures shall be installed and maintained in conformity with any applicable rules and regulations.
- (b) All piping from outside fuel storage tanks or cylinders to manufactured homes shall be securely, but not permanently, fastened in place.
- (c) All fuel oil supply systems provided for manufactured homes, service buildings and other structures shall have shut-off valves located within five (5") inches of storage tanks.

- (d) Storage tanks located in areas subject to traffic shall be protected against physical damage.
- H. Other Utilities. Any other utility, such as telephone or cable, servicing a manufactured home park shall be installed underground as applicable and maintained in accordance with the respective utility company specifications regulating such systems.
- I. Service Buildings and Other Park Service Facilities. The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities as follows:
- (1) Facilities
- (a) Every manufactured home park shall have a structure clearly designated as the office of the manufactured home park manager.
- (b) Service and accessory buildings located in a manufactured home park shall be used only by the residents of the manufactured home park.
- (2) Structural Requirements for Buildings
- (a) All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed as to prevent entrance or penetration of moisture and weather.
- (b) All rooms containing lavatory facilities shall:
- (i) Have some resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant materials.
- (ii) Have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10%) percent of the floor area served by them.
- (iii) Have at least one (1) window which can be easily opened, or a mechanical device which will adequately ventilate the room.
- (c) Toilets shall be located in separate compartments equipped with self-closing doors.
- J. Refuse Handling. The storage, collection, and disposal of refuse in the manufactured home park shall be the responsibility of the manufactured home park owner or manager and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident, or fire hazards or in pollution and shall comply with all applicable Borough and state regulations.
- K. Insect and Rodent Control. Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall comply with all applicable Borough and state regulations.
- L. Fire Protection
- (1) Local Regulations. The manufactured home park area shall be subject to any local fire protection rules and regulations.
- (2) Litter Control. Manufactured home park areas shall be kept free of litter, rubbish, and other flammable materials.
- (3) Fire Extinguishers. Portable fire extinguishers of a type approved by the Borough fire prevention authority shall be kept in public service buildings under park control and a sufficient number shall be maintained throughout the park in readily accessible and well-marked positions.
- (4) Fire Hydrants

- (a) Fire hydrants shall be installed in accordance with the following requirements:
  - [1]. The water supply source shall permit the operation of a minimum of two (2) one and one-half (1 1/2") inch hose streams.
  - [2]. Each of two (2) nozzles, held four (4') feet above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest point of the park.
- (b) Fire hydrants shall be located within six hundred (600') feet of any home, service building or other structure in the park, and shall be installed in accordance with all applicable Borough specifications.
- (c) The park management shall give the Borough Zoning Officer or other authorized Borough representative free access to all manufactured home lots, buildings, and other community service facilities for inspection purposes.

#### **§ 179-79 Standards for Manufactured Home Parks in Floodplain Areas.**

Where permitted within any identified floodplain area, all manufactured home parks and additions thereto shall be in accordance with Article VII of this Ordinance in addition to those required in Chapter 79 the Camp Hill Borough Ordinance.

#### **§ 179-80 Fees, and Licenses.**

- A. Fees. At the time of filing the Preliminary and Final Subdivision and Land Development for the development of a tract of land for a manufactured home park, the Applicant shall be required to pay to Camp Hill Borough fees in accordance with the requirements of Article XIII§ 179-84 herein.
- B. Licenses. Any person intending to operate a manufactured home park within the Borough shall have a rental license from the Borough for each such park.

#### **§ 179-81 Alteration of Requirements.**

The application for an alteration of requirements shall be in accordance with the provisions of Article III herein.

#### **§ 179-82 Enforcement, Penalties, Severability, and Amendments.**

The enforcement, penalties, severability, and amendments shall be in accordance with the provisions of Article XIII§ 179-84 herein.

Chapter 179: SUBDIVISION AND LAND DEVELOPMENT

Article XIII Violations and Penalties

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§ 179-83 Preventive remedies.

- A. In addition to other remedies, the Borough of Camp Hill may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
  - (1) The owner of record at the time of such violation.
  - (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

§ 179-84 Violations and penalties.

- A. Any person, partnership or corporation who or which has violated any provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not less than \$50 and not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of the civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.
- B. The penalty provisions of this chapter and the license nonrenewal, procedures provided in this chapter shall be independent, non-mutually exclusive separate remedies, all of which shall be available to the Borough as may be deemed appropriate for carrying out the purpose of this chapter. The remedies and procedures in this chapter for violation hereof are not intended to supplant or replace, to any degree, the remedies and procedures available to

the Borough in the case of a violation of any other code or ordinance of the Borough whether or not such other code or ordinance is referenced in this chapter and whether or not an ongoing violation of such other code of ordinance is cited as the underlying ground for a finding of a violation of this chapter.

- C. 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.
- D. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.
- E. In addition to other remedies, the Borough may institute such preventive remedies as provided for in Section 515.1 of the Pennsylvania Municipalities Planning Code.